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April, 1931



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THE LOUISIANA HISTORICAL QUARTERLY

Vol. 14, No. 2

April, 1931

THE FIRST CARGO OF AFRICAN SLAVES FOR LOUISIANA, 1718

(Based on original documents in the French Archives)

I.

Introduction by Henry P. Dart

TWO unique and hitherto unpublished documents from the French Archives printed herewith cover the instructions from the Company of the West in July and September, 1718, to the captains of two ships, the *Aurore* and the *St. Louis* to go to the Coast of Guinea to carry on the trade in negroes there, and to transport the results without delay to Louisiana. To each captain the orders were imperative to complete his trading "with the greatest possible diligence." Captain Herpin of the *Aurore* was advised that his vessel was large enough to carry four hundred negroes and Capt. Du Coulombier of the *St. Louis*, between 450 and 500. Both were directed "to trade only for well-made and healthy negroes . . . not more than 30 nor less than 8 years of age." Capt. Herpin was particularly instructed "to trade for a few who know how to cultivate rice" and also to "trade for three or four hogheads of rice suitable for planting, which he will deliver to the Directors of the Company on his arrival in the Colony."

Each captain was instructed on his arrival at the colony to "cast anchor at Dauphine Island or within sight of said Island. He will first send his ship's boat ashore to inform the Directors of his arrival; next he will deliver his negroes to them and he will follow in everything the orders that they give him." It will be remembered that in 1718, the seat of government for Louisiana was at Fort Louis (Mobile) and that Dauphine Island was

the entreport of that place. New Orleans was then just beginning to creep out of the mud.¹

To one captain, the company says:

"We order Sieur Herpin, all his officers and the surgeon, to take great care of the health of the negroes, to prevent lewdness between the negresses and the negroes and the crew, to have them all properly cared for and to have the space between decks cleaned and scraped every day in order that no corruption at all may be generated there."

To the other captain, it was said:

"He will take particular care of the health of the negroes. He will have them kept properly and visited every day by his surgeon. He will give attention to feeding them well and to prevent them being mistreated by his crew. He will also give orders that no lewdness be committed between his crew and the negresses."

There are many other interesting and novel things in these instructions, but justice to the translator requires that the reader be sent to the documents without the further intervention of the editor. The whole scene is indeed so well set, and the story so absorbing, we wonder this story has not heretofore been dug out of the old archives, where it has been hidden for two hundred and twenty-three years.

There are no accessible records from which we can gather the results of this first effort of the Company of the West to send negroes from Africa to Dauphine Island, but Martin says the company "sent two of its ships to the Coast of Africa, whence they brought five hundred negroes who were landed at Pensacola." He makes this statement in a chapter devoted to the first years of the Company of the West in Louisiana (1717-1722) and he carries the year 1719 at the head of the page where the quoted text appears. War between Spain and France began in 1719 and Bienville captured Pensacola shortly after notice arrived in April of the declaration of war. In August, that place was retaken by the Spaniards only to be recaptured by Bienville in September of the same year. Thereafter it remained in

¹de Villiere says ground "was not broken until the end of March, 1718," but for reasons given by him, "the date for the foundation of New Orleans may be fixed at pleasure anywhere between the spring of 1717 and the month of June, 1722." *A History of the Foundation of New Orleans, 1717-1722*, by Baron Marc de Villiere, La. Hist. Qy., 3 (1930). The history occupies the whole number.

French control until peace was made between Spain and France in 1722.²

Monette makes a curious addition to Martin's account, stating that a portion of these slaves were sent to New Orleans and used by the directors of the Company of the West to open a large plantation on the west bank of the river nearly opposite the post of New Orleans. He further says:

"This was done as an example to others, and to test the advantages which were to be derived from this species of labor. This was the first extensive slave plantation in Louisiana, owned, too, by a company with chartered privileges. The remainder of the cargo was sold to emigrants and opulent settlers in different parts of the province, but chiefly for the agricultural settlements on the Lower Mississippi."*

I have not been able to find any authority to substantiate Monette's statement as to the use of this particular cargo of slaves to create the plantation opposite New Orleans. In fact, it has been generally assumed that the Company of the West did not create their slave plantation on the present site of Algiers (5th District of New Orleans) until 1720.

Everything indicates that Martin's "two ships" of the summer of 1719 were the *Aurore* and the *St. Louis*, and under the facts stated above we can safely fix their arrival at Pensacola between May and August, 1719, while the French were in possession and before the Spaniards recovered the place in the latter month. Even though we assume the ships arrived after the recapture of Pensacola by the French in September, we still would believe the *Aurore* and the *St. Louis* were the first slavers because no mention is anywhere made of the arrival in Louisiana of any slaves from Africa during the administration of the company prior to Martin's "two ships" of 1719. The delays between the dates of the sailing orders to the captains and the actual arrival of the slaves in Pensacola were not uncommon in those days. Months would go by after orders before the ships left the home port and the small sailing ships were often at sea for weeks on such long voyages.

²Martin, *History of Louisiana* (First Edition, 1827), Chap. IX, pp. 198-235. The second edition of Martin's history (1882) does not carry the years at the head of each page as was done by Martin in his own edition of 1827. The failure of the editor of the second edition to note the page years makes it difficult to use that edition for accurate dating, because Martin having placed his date at the head of each page omitted from the text any further reference to the year.

*Monette, *History of the Valley of the Mississippi*, I, 226.

The view that the first contingent of African slaves arrived while the French had possession of Pensacola (May 14 to August 7, 1719) receives support in the fact that on the recapture of the place by the Spaniards (August 7) the French lost two vessels, the flute *Dauphine* which was burned, and the *St. Louis* which was captured.³

Gayarré's *History of Louisiana* (in French) treats the events of the colony chronologically. Under the year 1718 he says that the white laborers sent to Louisiana to occupy the Concessions had not been found able to perform the tasks to which they were assigned and

"the Company had therefore to turn all its attention toward the trade for negroes and among the merchandise which it was obligated to send to Louisiana, it determined how to class the live merchandise which it would transport from Africa. To meet this the rule was established that the Company considers as *piece de Inde* all negroes of 17 years and over, free of physical defects, also all negresses of 20 to 30 years. Three negroes or negresses of 8 to 10 years, shall make two *piece d'Inde*. They will be sold to ancient inhabitants on one year credit for half the price, the other half to be payable in current accounts. Those colonists are reputed 'ancient' who have been established since two years. The new settlers shall have terms of one & two years."⁴

Under the page heading 1719 and at the close thereof the author says in substance that the colony was rising from its previous state of torpor. The fertility of the country had been demonstrated and particularly its adaptability for the cultivation of rice, indigo, tobacco and cotton, but the white European immigrants had not proved equal to the climate and the company was constrained to rely mainly on African labor.

"It had several times sent to search for negroes in Guinea and had introduced into the Colony a thousand slaves whose labor had justified the Company's hopes."⁵

³Report of Bienville, Oct. 20, 1719, Gayarré, *Histoire de la Louisiane*, I, pp. 169-170. See also Henrich *La Louisiane Sous la Compagnie des Indes*, 63 and Note 2.

⁴Gayarré, *Histoire de La Louisiane*, I, 166.

In 1721 a rule was promulgated fixing the price of such "merchandise" and the price of the products of the colony to be received in exchange therefor. *Ibid.*, I, 184.

⁵Gayarré, *Histoire de La Louisiane*, I, 175-6. The above statement which I have translated from the French text is elaborated by Gayarré in his *History of Louisiana* (in English), Vol. I, p. 254, but the entry is still placed in 1719.

Against the theory advanced in the foregoing pages, that the first slave cargo was delivered to the local authorities of Louisiana at Pensacola, during the year 1719, we must now consider the views of Mrs. N. M. Miller Surrey in her excellent book on *The Commerce of Louisiana During the French Regime*.⁶ She says (p. 231):

"The slave trading privilege accorded to Crozat in his patent was not incorporated in the one issued to the Company of the West (1717). Through a readjustment that took place in 1719 Louisiana passed under the control of the Company of the Indies which owned the right to a trade in slaves. Its privilege in regard to the slave traffic was extended to include also Louisiana.

"At this juncture the representative of a small trading company in France requested the home government to allow it while preparations were being made to secure them from the Guinea Coast to procure 1500 blacks from the English for the province. The permission was not granted and no importations of negroes were made until 1721, when the Company (of the Indies) landed in Louisiana, 1312, the largest number brought over in any single year." (p. 232).

Concerning this and subsequent cargoes she says:

". . . The negroes were drawn from Caye, Goree, Juida, Angola and Senegal, though by far the greatest number was obtained from the Coast last named."

Mrs. Surrey's book is based on personal study of the French Archives in Paris. She is usually accurate to the last degree, and in support of statements of fact made by her, she always lists the original sources. We are therefore compelled to accept her conclusions unless we can furnish proof to the contrary. The first step in proof would be, of course, the instructions to the two captains, to which she makes no reference although they are listed in the Index to the French Louisiana Archives prepared under her editorial supervision.⁷ These instructions were located by the writer of this paper through the medium of this index and the photostat copies here translated were obtained from the Manuscript Department of the Library of Congress through the kindness of Dr. J. F. Jameson, who is now in charge of the depart-

⁶Columbia University Publications, N. Y., 1916.

⁷*Calendar of Manuscripts in Paris Archives and Libraries Relating to the History of the Mississippi Valley*, edited by N. M. Miller Surrey (Mrs. F. M. Surrey). Carnegie Institution of Washington, 1926.

ment. It will be noticed the instructions are dated quite some while before the merger of the Company of the West and the Company of the Indies in 1719. We have previously shown that Martin is positive in his statement that two ships with 500 negroes arrived in Pensacola in 1719, and we know from the instructions that these slaves were to be captured in the region that Mrs. Surrey says was the source whence the slaves of 1721 were derived.

Margry seems to throw some light on our problem. He says that on December 15, 1718, the Company of the West acquired by purchase an interest in the Senegal Company, which purchase was confirmed by the Council of State in Paris, on January 10, 1719. He also says that the Senegal Company at that period did not enjoy the exclusive trade on the coast of Africa and that this monopoly had been reduced so far as concerned the Guinea Coast by a decree of September, 1684.⁸

After this paper was prepared I had the pleasure of reading in manuscript Miss Elizabeth Donnan's book, *Documents Illustrative of the Slave Trade in America*.⁹ She says that the Company of the West acquired rights from the Senegal Company in 1718 and she reports the delivery of 500 slaves in 1719.

On the whole, therefore, it would seem that we may safely follow Martin and Gayarré in the view that the first cargo of African slaves arrived in Louisiana in 1719 and of course through the sources indicated in the instructions. Mrs. Surrey says that the Company of the West did not receive in the Letters-Patent the right previously enjoyed by Crozat to bring slaves from the Coast of Guinea, but against this we must remember that by the 51st Article of that Patent, the Company of the West was obligated to bring into Louisiana 3,000 blacks.¹⁰ As we will show later on the Crozat privilege was not absolute, but required the co-operation of the Senegal Company. It is entirely probable that the arrangement between the Company of the West and the Senegal Company in December, 1718, had this in view and that the first cargo was obtained under the stipulations of that agreement.

The invidious honor of catching the first slave cargo for Louisiana must therefore remain with the Company of the West.

⁸Margry, *Decouvertes et Etablissements Des Francois*, V, 589-90.

⁹This manuscript is in possession of the Carnegie Institution at Washington and I desire to acknowledge the kindness of Dr. Jameson and of the efficient representatives of that service who gave me the facilities to enjoy this interesting book prior to its publication.

¹⁰See the text of this Edict, *Publications La. Hist. Qy.*, 1908, Vol. 4, pp. 43-61, and Art. 51, p. 59.

The *Aurore* and the *St. Louis* are also entitled to like distinction as the first slave ships in that trade. It seems curious that ships bearing these names should have been selected for the purpose, but at that period the slave trade was not tainted with the universal reprobation that attached to it in the 19th Century—on the contrary, it was a lucrative, national industry, zealously pursued by the greatest nations of the earth. The captains of the *Aurore* and the *St. Louis* did not feel that they had been assigned to a disgraceful occupation and they probably lived and died in the proud belief that they were the first slavers in the Louisiana trade. It is to be remembered, moreover, that the Company of the Indies did not enter into the trade under the bold declarations of the Company of the West, but promptly disguised their slave cargoes as merchandise, euphoniously designated as *Piece d'Inde* under which name the company flooded Louisiana with negro slaves and under the authority of the King of France permanently relegated Louisiana to the status of a slave colony.¹¹

It is not generally known that anterior to the operations of the two companies, black slavery existed in Louisiana to a very limited degree and something should now be said regarding the slave situation in France and Louisiana prior to this first arrival of enslaved negroes. Slavery had ceased in France long before Iberville's Expedition to Louisiana in 1698-9. Peasants and serfs still remained and their deplorable state was hardly less inhumane than that of slavery, but theoretically at least they were free, certainly in the sense they could not be bought and sold like chattels. The ancient writers were unanimous that "there are no slaves in France; as soon as a slave comes here he acquires liberty."¹² But this had no application to negroes in the French colonies.¹³

It is charitable to say that France in her colonial policy followed the example of Portugal and Spain, but the financial profit

¹¹I have touched phases of the subject in papers on *Slavery in Louisiana*, La. Hist. Qy., 7, 332 (1924); *The 18th Century in Louisiana*, La. Hist. Qy., 8, 474 (1925); *The Slave Depot of the Company of the Indies at New Orleans*, La. Hist. Qy., 9, 286 (1926). These papers were provocative rather than final, nor do I imagine the present introduction has exhausted the subject, yet, I think it well to preserve in this shape my latest researches for the use of other workers in this interesting field.

¹²*de Ferriere Dictionnaire de Droit*, Tome, I, 601, who cites the refusal of the Duke of Guise to return a Moorish slave of the Spanish General d'Avila on the ground "that when he entered France he became free by the privileges of that Realm; liberty recognizes no difference between men."

¹³Nevertheless, say de Ferriere, this rule has no application to negroes "in our Isles of America."

must have had a place in the minds of the rulers. Whatever the reason or cause, African slavery took root early in the colonies of France—it was legalized by an Edict of Louis XIII in 1615—and by 1664 the slave trade was one of the monopolies highly favored by the Crown. It is said, for instance, that in 1679, Louis XIV required the Company of Senegal to carry at least two thousand negroes per annum to the French colonies and under a bounty of 30 livres per head. These operations and others of like kind filled the East and West Indian colonies of France with African slaves. A situation ensued that called for regulation, and in order to provide for the rights of master and slave, an edict was enacted by Louis XIV in 1685, known as the Black Code. This code was local to the colonies and did not alter the status of slavery in France, where the principle of freedom continued to control. The colonists, however, agitated the removal of this restriction insofar as to afford them the right to bring their slaves with them to France and to keep them there unaffected by the general law. This privilege was granted in 1716 by an edict of Louis XV during the regency of the Duke of Orleans.¹⁴

Before Crozat's Grant (1712) there were a few negro slaves in Louisiana who had probably drifted in from the West Indies or had been taken in the Indian Wars and during the Carolina invasions of the first Bienville regime (1699-1712). Bienville had sought to increase this population by the exchange of Indian captives in the French West Indies for African slaves. He was advised this could not be permitted because of the rights of the "Company" and the "Colonists of Louisiana will be able to get negroes only when French Vessels bring them."¹⁵ In Crozat's Grant permission was given to send a vessel annually to the Coast of Guinea for negroes to be sold to the colonists or for the cultivation of any plantation or use in any industry he might establish in the colony. The records do not indicate to what extent (if at all) Crozat exercised this privilege. It was the subject of discussion¹⁶ and it is probable that he never exercised the privilege because that portion of the African coast (Guinea) was controlled by the French Company of Guinea and under the grant he had to get its consent in addition to the permission granted

¹⁴Viollot *Histoire du Droit Civil Français*, 362-5 (Paris, 1905).

¹⁵Mississippi Provincial Archives, 2, 45-6.

¹⁶*Calendar of Manuscripts*, *Ibid.*, Vol. 1, 183.

by the King.¹⁷ On the whole, therefore, it may be assumed that negro slavery in Louisiana before Crozat's grant was casual, and that it continued in this minor way during the term of his occupancy of the colony. The historians seem to agree there were not more than ten to twenty negroes in the colony at the close of Crozat's regime (1717) and the beginning of the African slave trade in Louisiana must be placed in the era of the Company of the West which was established by France in August, 1717. The King transferred to the company all property of every kind owned by the Crown, including that which had been taken over by it upon the surrender of Crozat's privilege in the preceding year. For this transfer and because of the relinquishment of the colony to the company the King stipulated in the 51st Article of the Edict of August, 1717, that the company should "transport at least six thousand whites and three thousand blacks to the country of his concession (Louisiana) during the duration of its privilege."¹⁸ By subsequent Edicts and for a money consideration this provision was speeded up and within the first ten years of possession the company had more than complied with its obligation, particularly as to negroes. In fact, the preponderance of slaves in the scattered settlements created a situation which required legislation and in 1724 a Black Code for Louisiana was created in France by edict of Louis XV and promulgated by Governor Bienville in that year, one of his last official acts before he was removed from his position and recalled to France.

¹⁷The language of the 14th Article of Crozat's Grant shows that this consent was necessary. "If for his operations and plantations Sr. Crozat judges it proper to have negroes in said country of Louisiana he may send each year a vessel to trade directly at the Coast of Guinea on obtaining permission from the Company of Guinea to do so" *Calendar of Original Documents* concerning the History of Louisiana, Publications La. Hist. Society, Vol. 4, p. 19 (1908).

¹⁸*Letters-Patent August, 1717*, creating the Company of the West. *Calendar of Original Documents*, Publications La. Hist. Society, 4, pp. 43-61 (1908). Article 51, p. 59, Mrs. Surrey's statement that the Company of the West had no such slave trading right as was granted to Crozat, does not ignore this stipulation, and, as has been previously shown, the Company of the West undoubtedly made preparations to fulfill this contract before it was absorbed by the Company of the Indies.

DOCUMENTS COVERING THE BEGINNING OF THE
AFRICAN SLAVE TRADE IN LOUISIANA, 1718

Translated and annotated from photostats of the copies of the
French originals in the Manuscript Department
Library of Congress

By

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I.

WESTERN COMPANY TO HERPIN

Paris, National Archives, Colonies, Series B, Vol. XLII repeated, pages 201-204.

1718, July 4,

Instructions from the Western Company to Herpin in Command of the *Aurore*.

(p. 201)

(Copy.)

July 4, 1718. Instructions for Sieur Herpin in command of the vessel *Aurore* assigned for the trade in negroes on the coast of Guinea.

Sieur Herpin, captain of the frigate *Aurore*, will set sail from St. Malo with the first favorable wind to go to the coast of Guinea to carry on the trade in negroes there.

The said Sieur Herpin will make his first landfall between Cape Mount and Cape Mesurade.¹ He will take in fresh water at Mesurade and at the same place will take wood and water in sufficient quantities to go to America.

He will avoid going to Festre because of the dangers to which ship's boats are exposed in taking in fresh water there.

After taking in his water and wood at Cape Mesurade he will continue his course to Juda.² He may touch in passing at Cabolahou, Jacques Lahou and Jacques Jacques at Cape St. Apollonie³ and trade there for some negroes, observing to remain only two or three days at each place. He may also trade for rice at the places mentioned above.

¹These two capes are on the western coast of Liberia. Cape Mesurade is near the capital, Monrovia.

²The translator has been unable to identify Juda. He has little doubt that it was on the Bight of Bafra, on the coast of Nigeria or Cameroon.

³Cabolahou is possibly Little Lahu; Jacques Lahou, Grand Lahu, and Jacques Jacques, Great Jack, all on the "Ivory Coast" near Bingerville, French West Africa. Cape St. Apollonie is possibly to be identified with Cape Three Points on the "Gold Coast."

Departing from Cape St. Appolonie he will put out to sea and will only return to the coast in the vicinity of Lampy⁴ at which place he may remain ten or twelve days and he will trade there for as many negroes as possible.

In the different places where the said Sieur Herpin trades negroes he will manage to trade for a few who know how to cultivate rice. He will also trade for three or four hogsheads of rice suitable for planting, which he will deliver to the directors of the Company on his arrival in the colony.

The said Sieur Herpin will next go to Juda and will make arrangements with Sieur Bouchel both to give the ordinary presents to the king and to complete his trading which he will do with the greatest possible diligence, observing not to trade for any negro (*p. 202*) or negress who is more than thirty years of age, as far as possible, or less than eight. We estimate that he can trade for four hundred negroes⁵ since his vessel is large enough to contain them and since he has merchandise enough to trade for them.

Sieur Herpin will observe to be as diligent as possible in his trading in whatever places he may carry it on since he knows that the health of the negroes and the success of the voyage depends upon how short a time the negroes are on board.

He will also observe during the time that he is in the roadstead of Juda to take in fresh water to replace that which will have been consumed after his departure from Cape Mesurade and that which will be consumed while he is in the said roadstead.

It is known that it is rather difficult to take in water at Juda, but by means of a rope arranged between the land and the ship's boat that is moored outside the bar two boat-loads per day can easily be taken in.

During his stay at Juda the said Sieur Herpin will trade for the corn that he thinks he will need for the food for his negroes.

When the said Sieur Herpin has finished his trading he will set sail for the colony, and we forbid him under any pretext whatsoever to touch at the islands of Fernando Po, Corisco, Prince's Island, St. Thomas and Annobon or at Cape Lopez.⁶ [Since] calls at the above places are only for the purpose of taking in water and wood, as he will not need either on his departure from Juda, he would lengthen his voyage and he would expose his crew and his negroes to the diseases that are usual in those places.

We order Sieur Herpin, all his officers and the surgeon to take great care of the health of the negroes, to prevent lewdness between the negresses and the negroes and (*p. 203*) the crew,

⁴The translator has not been able to identify Lampy with any place shown on modern maps.

⁵Literally: "We estimate that it (*i.e.* the trading) may be of four hundred negroes."

⁶The original has *Cap de Lopo* (possibly *Lope*). The translator conjectures that this is Cape Lopez in French Equatorial Africa, only a little to the south of St. Thomas Island.

to have them properly cared for [and] to have the space between decks cleaned and scraped every day in order that no corruption at all may be generated there.

As it is morally impossible that Sieur Herpin will not need fresh supplies on the voyage from Juda to the colony both for his crew and for the negroes he will call at Grenada and he will take in the fresh supplies that he will need and he will draw letters of exchange for them on Sieur Deshayes, the cashier of the Company at Paris.

The said Sieur Herpin will absolutely avoid calling at Martinique, Gaudeloupe, Santo Domingo or at any French or foreign colony.

He will stay at Grenada as short a time as he can, and he will take all possible precautions to avoid pirates.

As we do not doubt that Sieur Herpin will find Portuguese vessels on the coast of Guinea he will try to trade with them for Brazilian tobacco to the amount of two or three hundred pounds. He will distribute some of it economically to the negroes and he will turn the rest over to the directors in the colony.

On his arrival at the colony Sieur Herpin will cast anchor at Dauphine Island or within sight of the said island. He will first send his ship's boat ashore to inform the directors of his arrival; next he will deliver his negroes to them, and he will follow in everything the orders that they give him.

The said Sieur Herpin will make his stay in the colony as short as he can. He will take on board the goods that are ready in the Company's warehouses, and he will return direct to La Rochelle, and in order that he may not be obliged to call at ports on his return voyage he will take provisions for two and a half months.

During his voyage, both going and returning, he will avoid approaching any vessel and he will take great care to avoid them all. (p. 204) If during the course of the voyage the Lord should dispose of Sieur Herpin, we appoint Sieur Gascherie to command in his place, and in the absence of both the third in rank will have command of the vessel. We enjoin them all to observe the above orders and the crews to obey them.

We order Sieur Herpin and all other officers to direct and govern their crew according to the ordinances of the King [and] the usages and customs of the sea.

Furthermore we charge Sieur Herpin and all his officers to conserve in everything the interests of the Company, the more so because they may expect that it will reward those who deserve it and that it will have those punished who do not behave well.

In cases not foreseen in the present orders the Company relies on the prudence of the said Sieur Herpin.

In case Sieur Herpin has trade goods left after having obtained his cargo of negroes he will deliver the said goods to the director of the trading station⁷ of Juda, for which he will take a

⁷The French word is *Comptoir*.

receipt in duplicate at the foot of the list of the goods that he leaves with him. He will carry one of these receipts with him to the colony and will send the other by the first vessel that departs from Juda for France and for the islands, and will hand to him the letter which he finds enclosed herewith.

(p. 204) Similar instructions for Sieur de Laudouine^s in command of the vessel *Le Grand Duc du Maine*.

II.

WESTERN COMPANY TO DU COULOMBIER

Paris, National Archives, Colonies, Series B, Vol. XLII repeated, pages 225-228.

1718, September 26, Paris

Instructions from the Western Company to Du Coulombier, Captain of the *St. Louis*.

(p. 225)

(Copy.)

Instructions for Sieur Du Coulombier,
Captain of the Vessel *St. Louis*

Sieur Du Coulombier will set sail at first suitable time to go to the coast of Angola^a to trade there for negroes.

He will pass to windward of all the Cape Verde Islands in order to avoid the pirates who we are informed are very numerous there, and will go directly to Angola without calling at any place under any pretext whatsoever except of an urgent necessity which the Company can not forsee.

When he has arrived at Angola he will do his trading with the greatest possible diligence and he will observe to trade only for well-made and healthy negroes [and] that they are not more than thirty or less than eight years of age. The Company estimates that his ship is large enough to carry between four hundred and fifty and five hundred negroes and the cargo that has been given to him is more than sufficient to trade for them.

While Sieur Du Coulombier is doing his trading he will take all the measures necessary to make the voyage to the islands of America and to the colony. He will provide himself with [the] water, wood [and] corn that he thinks he will need for the food for the negroes, and with rice.

He will take measures to make a short voyage in order to avoid the diseases that occur among negroes when they are too long.

He will take very particular care of the health of the negroes. He will have them kept properly and visited every day by his surgeon. He will give attention to feeding them well and

^aPossibly the correct spelling is *Landouine*.

^sPortuguese equatorial West Africa.

to preventing their being mistreated by his crew. He will also give orders that no lewdness be committed between his crew and the negresses.

Sieur [Du] Coulombier will give the usual presents at Angola and will pay the taxes with the greatest possible economy. He will make an exact memorandum of the goods that are most desired at the said place and will send it to the Company by the first vessels that depart from there to the French colonies. This (p. 226) memorandum will contain the value of the goods suitable for the trade at Angola and what the cost is for the presents, taxes and other expenses, with the greatest possible detail.

Sieur Du Coulombier will take measures to trade for a few negroes who know how to cultivate rice. He will also trade for three or four barrels of rice suitable for planting, which he will deliver to the directors of the Company on his arrival in the colony.

After Sieur Du Coulombier has done his trading he will set sail for the colony, and as he may need some fresh supplies during his voyage both for his crew and for the negroes he will call at Grenada. He will there take in the things he needs, conserving the interests of the Company. He will draw letters of exchange for the expense that he incurs there on Sieur Deshayes, the cashier of the Company at Paris. He will observe to put ashore only the sick negroes and he will be careful to put them back on board without leaving any of them on the said island under any pretext whatsoever.

He will avoid calling at the islands of Annobon, Cayenne, Martinique, Gadeloupe [and] Santo Domingo or at any other French or foreign colony unless he is absolutely forced to do so. During his stay at Angola he will trade with the Portuguese vessels that are usually there for two or three hundred pounds of Brazilian tobacco which he will distribute economically to the negroes and he will hand over the rest to the directors of the colony.

He will stay as short a time as possible at Grenada and while making his voyage to the colony he will take all possible precautions to avoid the pirates.

When Sieur Du Coulombier has arrived at the colony he will cast anchor at Dauphine Island or in sight of the said island. He will first send his ship's boat ashore to inform the directors of his arrival. Next he will deliver his negroes to them and will follow in everything the orders that they give him.

He will stay as short a time as possible in the colony. He will take on board the goods that are ready in the warehouses of the Company and he will return direct to La Rochelle, and in order that he may not be obliged to call at ports while returning he will take provisions for two and a half months. If he has any more, he will deliver them to the directors of the Company in the colony. (p. 227)

During his voyage both going and returning he will avoid approaching¹⁰ any vessel and he will take great care to avoid them all.

Sieur Du Coulombier will have the provisions distributed with great economy. The Company has given him a supply for thirteen months at the King's rate, which, if it is well managed, ought to last for at least fifteen.

If during the course of the voyage the Lord should dispose of Sieur Du Coulombier, the Company appoints Sieur Drouillard to command in his place, and in the absence of both the third in rank will have command of the vessel. The Company enjoins them all to observe the above orders and the crews to obey them.

The Company orders Sieur Du Coulombier and all the other officers to direct and govern their crew according to the ordinances of the King¹¹ [and] the usages and customs of the sea.

The Company charges him likewise and all his officers to conserve its interests in everything, inasmuch as they may expect that it will reward those who deserve it and it will have those punished who do not behave well.

In cases not foreseen in the present orders the company relies upon the prudence of Sieur Du Coulombier and of his officers.

If Sieur Du Coulombier has any trade goods left he will be careful to have them well packed, and he will give a list of them to the directors in the colony, and if the said directors think that there are some of them that are suitable for the commerce of the country, Sieur Du Coulombier will deliver to them those for which they ask him and will take a receipt signed by them and he will carry the rest back to France.

Sieur Du Coulombier will keep an exact and daily account of the sale of his goods. This list shall contain each sort of merchandise that he has given for each negro.

Sieur [Du] Coulombier will write to the Company from the coast of Angola by all sorts of opportunities and he will inform it of the success of his trading, of the quality of goods that find best sale (p. 228) and of the number of negroes that each sort has produced. These instructions are necessary to the Company in order to form its cargoes for the same country, so Sieur Du Coulombier will write by all the vessels that go to the French colonies.

He will also write to the Company from Grenada when he arrives there.

Done at Paris at the office of the Company, September 26, 1718.

¹⁰the word *Reconnoître* seems here to be used in the nautical sense of approaching a vessel to estimate its strength, determine its nationality, etc. The same use occurs in the "Instructions to Herpin."

¹¹The original, or at least the copy in the Library of Congress, has *les ordonnances de may*. The translator thinks that this is plainly a mistake for *les ordonnances du roy*, which is the phrase used in the "Instructions to Herpin."

LAFAYETTE'S VISIT TO BATON ROUGE, APRIL, 1825

Translated from the French of "Lafayette in America;" Written
by his Secretary, A. Levasseur, Librairie Baudoin,
Paris, 1829.⁽¹⁾

BY

R. W. COLOMB

*Secretary, Louisiana Historical Society, who furnishes the editorial
notes to the paper.*

TWENTY-FOUR hours after leaving New Orleans, we arrived at Duncan's Point, where we were met by a delegation of citizens who had come down from Baton Rouge—which is situated 8 miles above—to ask General Lafayette to stop and spend a few moments among them. The general thankfully accepted the invitation and two hours afterwards we landed at the foot of the amphitheatre above which the city is built.

The landing was filled with the people of the city, at the head of whom marched the municipal guards. The first regiment of the Union was drawn up in battle array under the same star spangled banner which had previously been planted over the ruins of the Spanish despotism by the inhabitants of the parishes in the face of the greatest dangers.

Accompanied by the populace and the magistrates, the general repaired to the reception hall wherein he found the busts of Washington and Jackson crowned with laurels and flowers. In this place he received the testimonials of affection from all of the people, and went with them to the fort where the garrison awaited him. As the troops marched past him he received a salute of 24 guns.

Next, we went into the main room of the building in order to inspect the barracks, but to our great astonishment, we found on entering the first room, that it was not filled with beds, nor arms, nor "gay with all the accoutrements of war," but contained a numerous assembly of beautiful ladies brilliantly attired, who

¹Lafayette's full name was Marie Jean Paul Roch Ypres Gilbert Motier Marquis de Lafayette. He was born at Chavagnac, near Brioude, Auvergne, September, 1757; died at Paris, May 20, 1834. He landed in New York in August, 1824; visited New Orleans April 10th to 15th, 1825; departed therefrom on the latter date on the Steamer *Natchez* for Baton Rouge.

surrounded the general and offered him flowers and refreshments.

The general was deeply touched by this agreeable surprise, and he remained for some time in the midst of the charming garrison. Upon our return to the city we met a great gathering of citizens who had joined together for the purpose of tendering a public banquet to the general, where there prevailed the candid cordiality of the American combined with the amenity of the French.

It was almost dark when we went on board the Natchez to continue our journey.

When we departed from Baton Rouge we were grieved to leave, for a second time, some of the persons who had accompanied us from New Orleans; notably, Mr. Joseph Armand Duplantier, and his son, whose tender friendship had been so helpful to the general.

Baton Rouge is situated on the left bank of the river, 137 miles above New Orleans.¹

The trip to that place is a very interesting one. For some miles after leaving New Orleans, the eye rests agreeably on scenes of fine sugar and cotton plantations which border the stream. They are embellished with orange groves, in the center of which are located the snow white mansions of the planters. There are avenues of oaks, cedars, and magnolias, numerous bearing pecan trees, and hedges of osage orange and cherokee rose.

Little by little, the houses and gardens lessen in number, but all the way to Baton Rouge one continues to see fine lands well cultivated.

These plantations extend along the river, and reach back some times nearly a mile to the dense swamps which serve as their boundaries. The soil is composed entirely of the fertile sediment deposited by former inundations, (crevasses) of the Mississippi² which is now confined within its bed by artificial dikes (levees). A special law requires that each riparian proprietor keep the levee in front of his property in good condition.³ In consequence of this law, one sees slaves continually

¹By the auto highway 110 miles. By railway—L. & A. 78.8 miles and Y. & M. V. 89 miles. The U. S. Engineer office states it is 132 miles.

²Alluvial lands—soil deposited by flowing water.

³Act No. 31 of 1829 Secs. 1, XI, 14, 18, 19, 21, 25. All former laws requiring riparian owners to build levees to protect the alluvial lands from overflow were repealed by the Act of Feb. 17, 1866. See Police Jury of Jeff. Parish vs. J. J. Tardos in 22nd La. An. p. 58.

at work everywhere working pickets and masses of interwoven brush, poles, and etc.,⁴ to protect the river bank against erosion by current and wave.⁵

Nevertheless, the stream sometimes opens a passage for itself in spite of all of the precautions and furiously surmounts and overcomes all obstacles opposed to it; and with its floods spreads death and desolation over the plantation which it inundates. Not a year passes without some front proprietor sadly witnessing the destruction in a few moments of the fruits of long and tiresome labor.

All of the lands which extend along the Mississippi from its mouth to a point some 600 miles above are subject to overflow.

However, from Baton Rouge north, the left (East) bank of the river rises well above the level of the stream, and is for that reason safe from inundation and its consequent disasters.

It is 260 miles from New Orleans to Natchez, which distance we covered in 30 hours of pleasant travel. In the course of the trip we met a large number of boats of all sizes, and shapes, all laden with all sorts of produce from the farthestmost points of the Union.

But what most attracted our attention, were the large boats with no sails, without masts, nor oars, floating down stream at the mercy of the current⁶ and looking more like huge packing boxes, than like boats. They are called barges,⁷ and are

⁴Mattress.

⁵The bank revetment work in New Orleans Harbor consists of willow mattress units 100 feet wide by 150 feet long, spliced together to form mats of any desired size. The unit sections are composed of three layers of willows compressed between timber frames to a thickness of 16 inches. The mats are further strengthened by a wire rope woven through at intervals of 10 feet and extending from anchorages on the river bank out to deep water in the channel. The purpose of the mattresses is to prevent bank erosion and consequent caving of the river bank, and they have proved effective in the accomplishment of this result.

⁶The velocity of the current is approximately 3 miles per hour at mean stage and approximately 5 miles per hour at the peak of major floods. It should be understood, however, that the velocity of any stage will vary materially at different points along the river, depending upon cross-sectional area, surface slope, etc. (U. S. Eng. Office, 2nd N. O. Dist.).

⁷"Chalan—"chaland"—a barge, as a coal barge. *Barge*, a flat bottom craft without keel and of small draft. *Flat-boat*, flat bottom and square ends, used for transportation of bulky freight. The boatmen's barges were from 25 to 100 feet in length, breadth of beam 15 to 20 feet, with a capacity of from 6 to 100 tons. Near the stern was a small straightened apartment 6 to 8 feet long, in which the captain, steersman or patron was quartered at night. In those days of endless time the freight from New Orleans to St. Louis was about \$6.75 the hundred pounds. The *Broadhorn* or produce boat was used in floating the products of the valley down the water courses and to New Orleans. They were never returned to their destination. From *Fifty Years on the Mississippi*, by E. W. Gould, St. Louis, 1889.

usually manned and navigated by Kentuckians who travel to New Orleans in this way to sell their wheat, fowls, and cattle, and who, after receiving the proceeds thereof, sell the barges as timber. They return home on foot through the forests of Mississippi, Alabama and Tennessee. It is said that over 1500 persons travel 1700 miles each year by water in barges and close to 1100 miles on foot returning.



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SOME ACTIVITIES OF UNITED STATES CITIZENS IN THE SOUTH AMERICAN WARS OF INDEPENDENCE, 1808-1824

by

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I.

It is

"notorious that divers American citizens, in violation of the laws of nations, and of the stipulations of the existing treaty, . . . have occupied themselves for sometime past in hostilities against the Spanish commerce and subjects . . . having gone to the extent of taking arms, and acting openly in support of said insurrection . . ."

So wrote José Pizarro, First Secretary of State of Spain to George W. Erving, United States minister at Madrid on August 17, 1817.¹

This statement doubtless caused no surprise to the American minister or to his government when it was reported, for it has been seen that the latter was only too cognizant of open and surreptitious violations of its neutrality laws. Yet little seemingly could be done other than to attempt to put more teeth into neutrality enforcement.²

For several years prior to 1817 the United States government had been an interested spectator of the commotions in the Spanish colonies.³ Three years after the conclusion of our own revolution John Adams, then our representative in England, wrote to John Jay, Secretary of State of the Confederation:

¹A. S. P.-P. D., (*American State Papers, Public Documents*), (1819 ed.), XII, 131; A. S. P.-F. R., (*American State Papers, Foreign Relations*), IV, 445; Manning, *Dipl. Corresp.*, (*Diplomatic Correspondence of the United States Concerning the Independence of the Latin American Nations*), III, 1944.

²See for pertinent neutrality legislation and violations of the same my "Spanish-American patriot activity along the Gulf coast of the United States, 1811-1822," in *La. Hist. Quart.*, April, 1925, 193-215, and "Some notes on Spanish-American patriot activity along the Atlantic seaboard, 1808-1822" in *North Carolina Hist. Rev.*, April, 1927, 172-81.

³See files of Nilcs, *Weekly Register* and *Annals of Congress*, *passim*, for this period.

"It is a fixed opinion in many minds here, that a revolution in South America would be agreeable to the United States, and it is depended on that we shall do nothing to prevent it, if we do not exert ourselves to promote it . . .⁴

Similarly, some years later in 1808, an Englishman wrote that if England or France did not free South America, or if she did not free herself, the United States would probably do so.⁵

In France by 1811, Napoleon had decided upon a plan of action in regard to the Spanish American colonies.

"This policy was to acknowledge and confirm the independence of every portion of those possessions which should have the spirit and the physical means to assert it, and to aid in its achievement, his excellency intimated that the only mode in which this aid could be efficaciously furnished was through the concurrence and agency of the U. States . . ."⁶

Such foreign views, certainly, did not influence the policy of the United States government, but opinions similar to these were found among its own citizens. Adventurous individuals could not be kept from travelling abroad in South America, nor was it possible to prevent their enlisting under foreign flags. James Monroe complained to the Committee of Foreign Relations December 20, 1816, that United States seamen were not always paid by their masters and consequently deserted in foreign ports, and that if they were gone over 48 hours their possessions were confiscated. Some seamen were even discharged in foreign countries without funds. Such conditions inevitably encouraged enlistment in foreign service.⁷ Other citizens deliberately enlisted on patriot vessels touching United States ports with the avowed intention of sailing to aid their oppressed brothers in the southern hemisphere.⁸

⁴C. L. Chandler, *Inter-American Acquaintances*, (1915), 8-9. The date of this letter is May 28, 1786.

⁵*Ibid.*, 31.

⁶Johnathan Russel, charge d'affairs at Paris, to James Monroe, Secretary of State, Sept. 2, 1811, recording a conversation with the Duke of Bassano. Marked confidential and written mainly in cipher. (Manning, *Dipl. Corresp.*, II, 1371). On Sept. 19, the minister at Paris, Joel Barlow, wrote Monroe that the Emperor had "determined to declare the Spanish Americans free and independent" and that he wanted "American aid in transporting the arms and amunition." *Ibid.*, 1372.

⁷*British and Foreign State Papers*, IV, (1816-1817), 734-6.

⁸Cf. W. D. Weatherhead, *An Account of the late expedition against the Isthmus of Darien under the command of Sir Gregor McGregor*, (London, 1821), 124. See also A. S. P.-P. D., volumes XI, XII, *passim*, A. S. P.-F. R., IV, *passim*, and files of Niles, *Weekly Register* for years 1815-1822.

In these and other ways to be noted later large numbers of United States citizens found themselves in South America. No attempt is here made to estimate that number. Probably no one will ever know definitely the extent of such aid. Because they were violating the laws of the United States, many persons left this country secretly; and the records of troops, when kept by the patriot leaders in South America, were imperfect at best and the identity of persons of American and English extraction was lost when their names were distorted by Spanish translations or spellings.⁹ Moreover, Spanish-American historians of the revolutions have likewise committed this fault and confusion is worse confounded.

The Spanish government at Madrid in viewing the struggle from afar seems to have had an exaggerated opinion regarding the number of United States citizens participating in the patriot cause. John B. Prevost, special agent of the United States to Chile, Peru and Buenos Aires, wrote to Secretary of State J. Q. Adams on June 10, 1818, telling of the existence of an order from the court of Spain to the Viceroy of Peru to request the different vice kings

"to cause estimates to be made of the injuries sustained by reason of any supplies received from, or aid afforded by, American citizens to the patriots from the time of Miranda to this date . . . for the purpose . . . of enabling Spain to balance the demands of [the United States] . . . government for former spoils . . ."¹⁰

This investigation evidently yielded important results, and showed incidentally that other nationalities as well as United States citizens were active in the Spanish colonies. On January 14, 1819, Ferdinand VII issued the following decree:

"All foreign adventurers taken with arms in their hands in His [Majesty's] Ultra-Marine Domains, under the standards of the insurgents, or in the act of supplying them with auxiliaries of war, shall inevitably suffer capital punishment with confiscation of all their effects found

⁹Cf. Thomas Murry, *The Story of the Irish in Argentina*, (N. Y. 1919), and H. M. Breckenridge, *Voyage to South America performed by order of the American government in the years 1817 and 1818 in the frigate Congress*, (London, 1820), 2 vols. I, 160. See also *Los Héroes y los Mártires de la Independencia*, (Bogotá, 1919).

¹⁰Manning, *Dipl. Corresp.* II, 927. This inquiry was to be carried on secretly in all branches of the Spanish colonial government. The report was to show the approximate damage done by United States citizens. Similar instructions were given to all Spanish officials in the United States. *Ibid.*, II, 927-8, note 1.

in His Majesty's Domains; and . . . such persons . . . cannot be included in the acts of grace which His Majesty has granted or hereafter may grant in favor of his natural subjects . . ."¹¹

This action caused a stir in diplomatic circles and much indignation was expressed in the United States as in other countries. Under date of March 8, 1819, Secretary of State Adams wrote in his general instructions to John Forsyth, United States minister in Spain:

"There are in various parts of Spain and of the Spanish colonies, numbers of citizens of the United States who, having been taken either engaged in the land or sea service of the South Americans, or merely having been found within the Spanish colonial territories, are confined as prisoners of state and have applied to the government of the United States to obtain their release."

The secretary was aware of the recent Spanish decree and admitted the correctness of the principle provided American citizens were treated as insurgents, that is, as parties to a civil war.

"But it is understood that no exchange of prisoners has been practiced between the parties in the South American conflict [and] as these citizens of the United State must, while prisoners be chargeable upon Spain, and, as it will tend to confirm the harmony and friendly disposition between the two nations . . . the hope is entertained that the discharge of all American citizens, thus confined, will be readily granted by the Spanish government."¹²

Accordingly this matter was brought to the attention of the Court at Madrid,¹³ and on April 12, 1820 the following communication was sent by Juan Jabot, acting minister of State, to Forsyth:

"The king having been pleased to issue an act of pardon and oblivion, is desirous of giving immediate effect to it by setting at liberty all such Americans, of the

¹¹*British and Foreign State Papers*, VI, (1818-1819), 1135. For slightly different wordings see Niles, April 3, 1819, 112, and H. L. V. Ducondray-Holstein, *Memoirs of Simón Bolívar* . . . (Boston, 1829, 243-4. Niles kept its reading public informed of the capture and imprisonment of United States citizens whenever possible. See, for example, the issues of April 18, 1818, 132; April 3, 1819, 112; June 12, 1819, 270.

¹²Manning, *Dipl. Corresp.* I, 95-6.

¹³*British and Foreign State Papers*, VII, (1819-1820), 1065-67, gives the correspondence between these two men.

United States, as have been made prisoners within His dominions for having borne arms with the insurgents; for having acted as spies; for having been arrested without the requisite passports; for having aided and abetted directly or indirectly, the existing rebellion in His American possessions; and in fine, all such as have not committed the crimes of robbing and assassination, or who are confined for just debts. Circular letters to this effect are to be immediately despatched to all competent officers in America, in Spain and in the garrisons abroad."¹⁴

The next day Forsyth expressed to the Spanish government his gratitude for such action.¹⁵ Thus the matter was brought to a diplomatic termination, though the actual freeing of American citizens took some time.

II.

The northern coast of South America, to discuss the various sections separately, was one of the first localities to receive aid from United States citizens. This fact was due in part to its proximity to the northern republic and in part to the activities of Miranda in 1806. The latter had stirred up much interest in the region with the result that several United States citizens who enlisted in his cause either lost their lives or were held prisoners at Cartagena and other places.¹⁶ During our second war with Great Britain, American privateers swarmed the coast of British Guiana and some Americans doubtless found their way into the neighboring province.¹⁷

It is in this period that Simón Bolívar issued a proclamation dated August 16, 1813, inviting all foreigners "of whatever nation and profession" to come to Venezuela and establish themselves.

"... Any stranger who enlists under our flag to defend the cause of liberty and independence is by right a citizen

¹⁴Niles, June 17, 1820, 280; also *British and Foreign State Papers*, (1819-20), VII, 1067.

¹⁵*State Department Manuscripts*, (*Dispatches from Spain*, XVIII, No. 16). This is not cited by Manning.

¹⁶*A. S. P.-F.R.*, (1832 ed.), III, 256-9. On Miranda see W. S. Robertson, "Francisco de Miranda and the revolutionizing of Spanish America" in *Ann Rept.*, (1907), of A. H. A., I, 189-540.

¹⁷See Koebel, *British Exploits in South America*, (1917), 158.

of Venezuela and . . . his services shall be recompensed in a suitable manner."¹⁸

Certainly Bolívar was more cosmopolitan and consequently less prejudiced against foreigners—although he was often jealous of them—than most patriot leaders. He seemed particularly desirous of attracting English and Irish troops. A bounty of \$80 was to be paid to foreigners upon enlistment with 2 shilling per day and rations during the period of service. At the end of the war each foreign soldier was to receive \$500 and an allotment of land.¹⁹ Agents were sent to continental countries, to the British Isles, and to the United States. Perhaps the most energetic of these men in England were Luís López Méndez and a United States citizen, W. W. Walton.²⁰ Agents sent to the United States were mainly concerned with recruiting privateering vessels and the necessary sailors to man them.²¹

The introduction of foreign troops into Venezuela was not always beneficial or satisfactory and jealousies between native and foreign officers often led to trouble, and frequently the foreigners were in danger of assination by the natives. Bolívar's ardor for the foreigner also cooled and as the royalists were driven further toward ultimate defeat the natives became more

¹⁸[Alexander Walker], *Colombia, being a geographical, statistical, agricultural, commercial and political account of that country*, (London, 1822), 2 vols., II, 348-9. The same is also found in *British and Foreign State Papers*, II, (1810-14), 1142-3. Bartolomé Mitre has asserted that "Venezuela . . . was the only republic of South America to seek help of foreign soldiers commanded by their own officers."—Mitre, *The Emancipation of South America*, (a condensed translation by William Pilling of the History of San Martín, London, 1893), 390.

¹⁹For the pay scale in Bolívar's army see Charles Stuart Cochrane, *Journal of a residence and travel in Colombia, 1823 and 1824*, (London, 1825), 2 vols., II, 512.

²⁰*Narrative of a voyage to the Spanish Main in the Ship "Two Friends," the occupation of Amelia Island by McGregor, etc. . . .*, (London, 1819), 3-4. See also *The present state of Colombia . . . by an officer late of the Colombian service*, (London, 1827), 86-7. For Venezuelan recruiting of "Legions" in the British Isles see the following: [General Devereux], *Recollections of a service of three years during the war . . . of extermination in the republics of Venezuela and Colombia by an officer in the Colombian Navy*, (London, 1828), 2 vols.; G. L. Chesterton, *A narrative of proceedings in Venezuela in the years 1819 and 1820 . . .* (London, 1820); G. Hipplisley, *A Narrative of the expedition to the rivers Orinoco and Apuré in South America . . . [in 1817]*, (London, 1818); *The Present State of Colombia . . .*, op. cit.; C. Brown, *Narrative of the expedition to South America which sailed from England at the close of 1817 for the service of the Spanish patriots . . .*, (London, 1819); James Hackett, *Narrative of the expedition which sailed from England in 1817 to gain the South American patriots*, (London, 1818); Major Filmer, *A history of the revolution of Caracas . . .*, (London, 1819); *Narrative of a voyage to the Spanish Main in the ship "Two Friends" . . .* op. cit. Many of these volumes were written in order to counteract the activities of patriot agents in enlisting men. Hence the pictures are very dark. The suggestion that foreign Legions be recruited by Bolívar was made by Ducondray-Holstein, who suggested that about 500 be recruited in the United States. See his *Memoirs of Simón Bolívar*, op. cit.

²¹See Wilgus, in *N. C. Hist. Rev.*, April, 1927, op. cit., 172-81, passim.

anxious to be rid of all foreign troops in order that at the victorious conclusion of the struggle they might enjoy the sole credit for the results.²²

Some of the foreign troops complained of the cold, and often severe and brutal, treatment accorded them. The contracts under which they had enlisted were not fulfilled and they were discriminated against. On October 11, 1819, the Vice President of the Colombian republic, Juan Bautista Arismendi, felt called upon to issue an executive proclamation to the effect that

"... The foreign troops who have come to Venezuela by virtue of the Supreme Chief, are, and constitute part of the army of the Republic; and as such enjoy the same rights, pre-eminences and privileges as the natives of the country..."²³

Mistreatment of foreign troops, however, did not apparently prevent other adventurers from arriving.²⁴ In 1822 there were sufficient numbers of these individuals to cause the Spanish general Morales to issue a brutal and bombastic decree, (September 15), for the punishment of foreigners found in the service, or in the territories of the Spanish American insurgents. These persons, when taken, were to be subject to a military trial, condemned to death, and their property confiscated. Foreigners residing quietly in the country were to be seized, made to labor for three years on the public works, and have their property confiscated. Certain others, mainly merchants, were to be given eight days to leave the country with the property allowed them, never to return, except with permission, on pain of death.²⁵ This action was protested by various foreign representatives including the commander of the United States ship *Cyane* stationed at Curaçao under date of November 15, 1822.²⁶ After some delay General Morales revoked the decree by a proclamation dated February 8, 1823.²⁷

Peace between patriot and Spaniard was now not far off and with its coming the foreigner was again welcomed officially

²²[Capt. Richard Bache], *Notes on Colombia taken in the years 1822-1823 . . .*, (Philadelphia, 1827), 9-10; James Hackett, *op. cit.* 63-4.

²³[Alexander Walker], *op. cit.*, II, 437-8.

²⁴It is interesting to note that in October, 1821, the Colombian congress voted its thanks to Henry Clay and to Col. William Duane, Editor of the Philadelphia *Aurora*, for their exertion and devotion in promoting the cause of the patriots. *Ibid.* II, 557; Bache, *op. cit.* 9; Niles, Dec. 29, 1821, 247.

²⁵*British and Foreign State Papers*, X (1822-23), 938.

²⁶*Ibid.*

²⁷*Ibid.*

by the Colombian government. By a law of Great Colombia of June 11, 1823, United States and other foreign immigrants were asked to come and settle on lands to be allotted to them.²⁸

During the latter half of the revolutionary period the patriot fleet in Caribbean waters was very active. There were several commanders, the most notorious being Luis Brion and Gregor McGregor.²⁹ The sea forces consisted almost entirely of privateers with occasional pirates. Some ships had been seized, others purchased,³⁰ and a few apparently had been given outright to the patriots, as for example, the *Leandro* and the *Emperador*, two corvettes presented in 1806 to the revolutionary government with munitions and voluntary seamen, by Colonel Smith and Mr. Ogden of New York.³¹ Sailors for the fleet were recruited mainly in England and Ireland although those from the United States were always welcome and large numbers of the latter joined,³² some being encouraged by the United States consul at St. Thomas in the West Indies.³³

Robert K. Lowry, United States consul at La Guayra, described to J. Q. Adams on April 16, 1822, the manner of enlisting United States sailors in the patriot navy.

"On board of privateers under the flag of this government are many Americans decoyed into their present unhappy situations, and in fact groaning under the heavi-

²⁸*Cuerpo de leyes de la República de Colombia*, II, 15, (cited in W. S. Robertson, *Hispanic American Relations with the United States*, 1923, 281).

²⁹For activities of the fleet see the following: C. Brown, *op. cit.*, *passim*; Hipplisley, *op. cit.*, 233ff; Chesterton, *op. cit.*, *passim*; [Devereux], *op. cit.*, *passim*; Ducondray-Holstein, *op. cit.*, *passim*; [Alexander Walker], *op. cit.*, II, ch. 3; Mitre, *op. cit.*, 369-373, 391, 399; [W. D. Mahoney], *Campaigns and cruises in Venezuela and New Granada and in the Pacific ocean from 1817 to 1830 . . .*, (London, 1831), 3 vols., I, 11-15; *Narrative of a voyage to the Spanish Main . . .*, *op. cit.*, chs. 3-10, *passim*; Weatherhead, *op. cit.*, *passim*; Manning, *Dipl. Corresp.*, II, 1222, (Lowry to Adams).

³⁰On October 22, 1822, the corvette, *Hercules*, built by Mr. Eckford of New York, left that city for La Guayra. There it was purchased by the Colombian government and renamed the *Bolívar*. The crew consisted of 220 "prime seamen principally those recently discharged from the United States frigate *Macedonian*." One of the officers in the Colombian service was a former United States naval officer, Lt. Christie. The *Hercules* had been purchased in the United States by Capt. John Daniel, a United States citizen, serving in the Colombian navy. See *The Present State of Colombia . . .*, *op. cit.*, 210; *DeBow's Review*, Dec., 1853, 580-1; Bache, *op. cit.*, 9-11; Chandler, *op. cit.*, 99. It was quite customary for the patriots to receive munitions from the United States. See Ducondray-Holstein, *op. cit.*, 233-4. Regarding a request for 2000 muskets from the United States by the Colombian government see Manning, *Dipl. Corresp.*, II, 1186, 1187.

³¹M. G. Mulhall, *The English in South America*, (B. A., 1878), 286. This authority is not always accurate but confirmation has been found of this statement in Thomas Lloyd (stenographer), *The Trial of Wm. S. Smith and Samuel G. Ogden for misdemeanors . . .* (N. Y., 1807).

³²Ducondray-Holstein, *op. cit.*, 242; *Narrative of a Voyage to the Spanish Main . . .*, *op. cit.*, 186; *The present state of Colombia . . .*, *op. cit.*, 215.

³³*Narrative of a voyage to the Spanish Main . . .*, 53-4.

est tyranny. These men have been seduced at particular times, and generally under the influence of intoxication enrolled on the lists of the crews of the privateers in question; their liberty enthralled by a pretended oath of allegiance to the republic, administered without form, and recorded by the interested duplicity of the masters or owners of the privateers to which they are attached, and under which the commanders of them pretend to detain these men as citizens or subjects of Colombia. That they may be the better deprived of all means of redress their certificates of American citizenship are taken from them, and thus completely disfranchised, they are left to the mercies of men, who have in several instances, themselves forfeited their lives to the offended laws of their own country."³⁴

Persons thus impressed into the navy, as well as those entering the service of their own free will, found life distressing and disgusting. Pay was always in arrears, living conditions were abominable, and treatment was brutal. Consequently English and United States sailors usually took advantage of the appearance of a British or American ship in port to desert the patriot cause.³⁵

Among the land forces of Colombia, as far as can be judged, there appeared fewer United States citizens than in the naval forces, partly because the English and Irish Legions played such a prominent role. Only a small number of these citizens can be identified by name. For one reason or another persons are found designated only by initials as in the case of an American, Lieutenant B., who commanded the Venezuelan artillery forces at Juan Greigo with great bravery about 1819.³⁶ Other Americans are known to have served, not because their names or initials are recorded, but because general statements are made about them, as for example, in the note of June 1, 1823, from Charles S. Todd, confidential agent of the United States in Colombia, to Francisco de Paula Santandar, Vice President of Colombia, in which the former asked the latter to

³⁴Lowry to Adams, (Manning, *Dipl. Corresp.*, II, 1219-20). Lowry added that numerous seamen in this situation had applied to him for aid and that he had been able to free some. (*Ibid.*) On Sept. 22, 1822, Lowry wrote that he had been able to rescue a few United States seamen whom he saw seized on shore. *Ibid.*, II, 1222.

³⁵*The present state of Colombia . . .*, *op. cit.*, 209-10. It is interesting to note that Colombia had a rule that all ships under her colors must have a majority of her citizens in the crews. To fulfill this requirement and still retain a large proportion of foreigners, Colombian Indian and negro servants were taken on board to constitute a majority. (*Ibid.*, 215.) For reference to United States citizens acting as officers or seamen in the patriot navy see Hippiisley, *op. cit.*, 158; C. Brown, *op. cit.*, 5-7, 41.

³⁶C. Brown, 138.

"remember the kindred blood which has flowed in this cause, in the sacrifice of Macauley, Donahue and a hundred other gallant Americans."³⁷

One knows vaguely also of American citizens who served in the patriot forces because of the fact that they were held prisoners by the royalists who captured them. In 1815 the commander of the Spanish blockading squadron at Cartagena seized and imprisoned "nearly 40 Americans" in the dungeons of that city.³⁸ Niles reported that on August 27, 1815, "more than 400, all Americans" [sic] had been poisoned in a Cartagena hospital by a European Spaniard, José Carbonero, "by mixing the medicine administered to them with arsenic." Carbonero as a result cut his throat and died acknowledging his crime.³⁹

In this connection it is interesting to note that on February 21, 1816, Secretary of State Monroe wrote to the Spanish minister in the United States, Onís, regarding United States citizens held prisoners at Cartagena, stating that they were treated with the "greatest severity" and asking that they be released. In speaking of Americans who had borne arms in the patriot forces he said:

"... I flatter myself that you will not be less ready to interpose your good offices to obtain their discharge. In such commotions, individuals of various nations, often find themselves in that situation and it is as contrary to the law of nations as it is to humanity, to treat them otherwise than with lenity due prisoners of war."

The secretary added that the President of the United States intended immediately to send a public vessel to Cartagena for all citizens held prisoners,⁴⁰ and on March 13, 1816, the Spanish minister was informed that the frigate *Macedonian* carrying Christopher Hughes was being sent to that city to apply to the Spanish authorities to free the American prisoners.⁴¹ Consequently before the end of July these individuals had regained their liberty.⁴²

³⁷Todd to Santandar, (Manning, *Dipl. Corresp.*, II, 1259). See also Niles Nov. 4, 1815, 170.

³⁸Lowry to Monroe, Jan. 22, 1816, (Manning, *Dipl. Corresp.*, II, 1169).

³⁹Niles, Jan. 20, 1816, 364.

⁴⁰Monroe to Onís, (Manning, *Dipl. Corresp.*, I, 23).

⁴¹Monroe to Onís, (*Ibid.*, I, 25). This same ship aided later in freeing English prisoners held by the royalists in Panama. See Weatherhead, *op. cit.*, 114.

⁴²Monroe to Erving, (Manning, *Dipl. Corresp.*, I, 35).

Finally, one knows by name a few Americans who took part in the struggle in northern South America. Outstanding among these is Alexander Macauley of Baltimore. He served with the Colombian forces for about two years, was ranked as a colonel, and showed great resource and bravery. On April 27, 1811, he led his troops against the royalists at Popoyán in New Granada and won a brilliant victory. Several other places were taken including Pasto. Marching to join the patriots advancing from Quito he met with reverses at the hands of a royalist force and was captured. On command of the Spanish leader, Colonel Sámano, one out of every five officers was chosen by lot for execution, and drawing the fateful number, Macauley was shot on June 26, 1813, at Pasto.⁴³

III.

As in northern South America so in the La Plata region, United States citizens were always welcome, particularly when they came as allies. For ten years following the war of 1812 many North Americans joined the patriot forces both by land and sea. Dr. Gregorio Funes in his history of the Buenos Aires provinces speaks of these individuals as "the most zealous Americans,"⁴⁴ and doubtless they deserve the name, for in the year 1812 a plot was reported on the part of the Spaniards in Buenos Aires, aided by those in Montevideo, for the massacre of all Americans in the former city over the age of seven years.⁴⁵ San Martín appears to have favored American enlistments in his army while governor of Cuyo, 1814-1817.⁴⁶ From this period on, Irishmen in particular were attracted from the United States⁴⁷ some of whom came as settlers.⁴⁸

Not all Americans found in the patriot service entered willingly, however. Under date of April 15, 1821, Mr. Forbes, the United States agent in Buenos Aires, complained to the patriot

⁴³Mitre, *op. cit.*, 318-19; Chandler, in *Ann. Rept.*, (1916), of A. H. A., I, 447-8; Chandler, *Inter-American acquaintances*, 116; Ch. S. Cochrane, *op. cit.*, 385; [Alexander Walker], *op. cit.*, 341. In the Presidency of Quito, José M. Villamil, who had become a citizen of the United States when Louisiana was annexed, played an important part in the revolution. See *Bull. of the Pan-American Union*, XLVIII, 24-7.

⁴⁴Cited in A. S. P.-F. R., (1834 ed.), IV, 232.

⁴⁵Samuel B. Johnson, *Letters written during a residence of three years in Chile* (Erie, Pa., 1816), 78-9.

⁴⁶Murry, *op. cit.*, 9.

⁴⁷*Ibid.* 64.

⁴⁸Breckenridge, *op. cit.*, I, 287.

government that some United States citizens were being forcibly seized and compelled to serve with the Buenos Aires army.⁴⁹

The Buenos Aires navy was never as flourishing as the Colombian or Chilean navies. It consisted mainly of privateers and converted merchant vessels purchased in the United States and elsewhere.⁵⁰ In 1816 and 1817 José Miguel Carrera was active in obtaining ships for the navy and succeeded in raising some \$20,000 from among friends for the purpose. He then proceeded to the United States where by "lavish promises" he prevailed upon several merchants of New York and Baltimore to sell him five ships fully equipped. On February 9, 1817, he returned to Buenos Aires on the ship *Clifton* which was followed shortly by the *Savage*.⁵¹ On board were

"French and American officers and artizans. The officers . . . [were to be] employed by the government and the artizans . . . [were to be at] liberty to remain in the country or to return to the United States."⁵²

Under date of April 19, 1817, George Green, a United States merchant resident in Buenos Aires, signed a contract with Manuel de Aguirre, the commissary general of war for Buenos Aires, whereby he engaged to bring from the United States merchant vessels for the use of the patriot forces.⁵³

Just as on most Buenos Aires ships there were some American citizens⁵⁴ so, too, there were found American munitions and equipment. In 1812 the pin money saved by the patriotic ladies of Buenos Aires was spent in the United States for the purchase of munitions.⁵⁵ In 1816 that government sent two En-

⁴⁹Niles, June 16, 1821, 254-5.

⁵⁰There was quite a vigorous trade between the La Plata provinces and the United States at the opening of the Revolutionary period. In 1807 United States merchant vessels from six of the 13 original states were to be found trading in the region. See Chandler, *Inter-American Acquaintances*, 27.

⁵¹Mitre, *op. cit.*, 158-9; Murry, *op. cit.*, 38; W. B. Stevenson, *Historical and descriptive narrative of 20 year's residence in South America*, (London, 1829), 3 vols., III, 185-6. Several other ships came from the United States. See Niles, Nov. 11, 1815, 187; [George Fracker], *A voyage to South America with an account of a shipwreck in the river LaPlata in the year 1817 by the sole survivor*, (Boston, 1826), 7; Samuel Haigh, *Sketches of Buenos Aires and Chile*, (London, 1829), 31; C. Brown, *op. cit.*, 100.

⁵²Halsey to Madison, (Manning, *Dipl. Corresp.*, I, 349-50).

⁵³Chandler, *Inter-American Acquaintances*, 74.

⁵⁴On one ship flying the Buenos Aires flag, which was captured as a pirate by the Venezuelan ship *Victoria*, (Capt. Biron), there were said to have been 70 United States citizens.—Brown, *op. cit.*, 26. See also Niles, March 23, 1816, 63. For the story of the interesting career of J. H. Coe of New Jersey who enlisted in the patriot army at the end of the revolutionary period, see King, *op. cit.*, 308-9, and Chandler, in *Ann. Rept. of A. H. A.*, (1916), I, 455.

⁵⁵J. P. and W. P. Robertson, *Letters on South America comprising travels on the banks of the Paraná and Rio de la Plata*, (London, 1842), 3 vols., II, 176.

glishmen to the United States to purchase war supplies.⁵⁶ The firm of Messrs Zimmerman, Lynch and Co., of Buenos Aires, intermittently imported munitions from the United States for the patriot government. On December 16, 1817, two ships arrived, one with powder from Baltimore and the other with 188 cases of guns from Salem, consigned to the company. The senior partner of the firm, Mr. John Christian Zimmerman, was from New York.⁵⁷

Among United States citizens who became prominent in the La Plata country several are worthy of notice. About 1811 Mr. William P. White, a native of Pittsfield, Mass., appeared in Buenos Aires. Pueyrredón asserted that he was a man without principles. He was a money lender both to individuals and to the government. It is affirmed that he cornered the market on yerba. He seems to have spent some time in prison. He was finally proscribed by the government for political reasons.⁵⁸ In the course of time White came into contact with William Brown, a British subject who had been brought by his father to Pennsylvania in 1789. Leaving the United States Brown eventually reached South America and spent a chequered career in the wars for independence.⁵⁹ While attempting to run the Spanish blockade of Montevideo, Brown's ship, the *Eloise*, with a valuable cargo, was wrecked. What could be saved was taken ashore and sold with the aid of White. The profit was sufficiently great to purchase the schooner *La Industria*, and Brown and White failed in establishing a coastwise trade only through the seizure of their vessel by the Spaniards. Later they engaged in another adventure. Scouring Argentine seaport towns for English speaking sailors, they manned two small boats with these individuals, and in the guise of fishermen captured a Spanish cruiser and took her to Buenos Aires in triumph. This act became the talk of the town.⁶⁰

In the year 1813 two United States citizens distinguished themselves. One was John Vincent Wardell who became a captain of a battalion of light infantry in the Buenos Aires army. Later he was captured and imprisoned at Montevideo.⁶¹ The other

⁵⁶Mulhall, *op. cit.*, 184.

⁵⁷Chandler, in *Ann. Rept. of A. H. A.*, *op. cit.*, 448-9.

⁵⁸*A. S. P.-F. R.*, (1858 ed.), V. 13-16.

⁵⁹Murry, *op. cit.*, 28; Niles, Nov. 4, 1815, 170; Dec. 9, 1815, 260; Mar. 25, 1816, 63; Mar. 30, 1816, 80; Aug. 17, 1816, 416; Oct. 12, 1816, 109; Breckenridge, *op. cit.*, I, 207-8; J. P. and W. P. Robertson, *op. cit.*, II, 209.

⁶⁰Murry, *op. cit.*, 29-31.

⁶¹Chandler, in *Ann. Rept. of A. H. A.*, *op. cit.*, 448.

was Samuel William Taber of New York who invented a submarine vessel for the Buenos Aires patriots. He too was imprisoned by the royalists at Montevideo and died November 8, 1813.⁶²

In May of the same year, President Madison appointed as United States consul at Buenos Aires Mr. Thomas Lloyd Halsey who remained in office until January 24, 1818. Throughout this period he was an ardent partisan of the patriot cause. At the same time he was engaged in local business. It is said that he introduced an improved brand of sheep into Argentina by smuggling them across the border from Brazil.⁶³ He took an active part in local politics, furnished arms to Artigas and offered him an asylum in the United States. He promised loans to the Argentine government while at the same time urging the United States government to make them. It was believed that he was financially interested in privateers cruising against Spanish commerce, and that he even issued blanks for privateering commissions. Finally on January 7, 1818, the Supreme Dictator of the United Provinces, Pueyrredón, ordered him to wind up his affairs and leave the country.⁶⁴

During this period the successor of Poinsett, John Devereaux, a United States citizen, was made a general by the Buenos Aires government. He did not remain in the official service of the United States for long, however, for when he guaranteed a loan to the patriot government his actions were disavowed at home and he was dismissed.⁶⁵

In the year 1817 John Anthony King left his native city, New York, for Buenos Aires. He was penniless and upon arrival enlisted, with the aid of an acquaintance, as a flag bearer in the patriot army. He gradually rose in the service until he became a colonel, all the while filled with a desire to free his adopted country from Spanish tyranny. His experiences are varied and interesting as is evident from a reading of his autobiographical account published in New York upon his return.⁶⁶

In 1819 Commodore Chayter was in command of the ship *Independencia del Sud*, his private property, though flying the Buenos Aires flag. For many years this man, a native of Vir-

⁶²*Ibid.*, 448.

⁶³Murry, 60-1.

⁶⁴Chandler, *Inter-American Acquaintances*, 69-70; Manning, *Dipl. Corresp.* I, 343-4, 347-8, 374-5.

⁶⁵Paxson, F. L., *Independence of the South American Republics*, (1916), 115-16; Chandler, *Inter-American Acquaintances*, 70.

⁶⁶Colonel John Anthony King, *Twenty-four years in the Argentine republic, embracing its civil and military history* . . . , (N. Y., 1846), *passim*.

ginia and a veteran of the War of 1812, had been a respectable sea captain out of Baltimore. In the course of time he became interested in the patriot cause and moved to Buenos Aires, becoming a citizen of that country. There he performed admirable service and was given an unlimited commission by the government.⁶⁷ Into this man's family had married W. G. D. Worthington, then special agent of the United States in Buenos Aires, Chile and Peru. At the suggestion of Chayter, Worthington wrote out a plan for the organization of the patriot fleet in the Pacific which he presented to Irigoyen, Secretary of Marine at Buenos Aires.⁶⁸ This interesting gentleman will be heard of again across the Andes.

IV.

It is in Chile that one finds the greatest activity of United States citizens. Americans early traded with the country and some few came to settle.⁶⁹ Occasionally they played a part in preparing the ground for the revolution, as for example, when certain merchants sold watches and charms bearing a portrait of a woman wearing an arm band inscribed with the words, "American Liberty,"⁷⁰ and when in November, 1811, three United States citizens arrived at Valparaíso with a printing press and founded the newspaper *La Aurora de Chile*. One of these printers, Samuel Burr Johnston, for his "zeal for freedom" was made a Chilean citizen and later became a lieutenant in the Chilean navy.⁷¹

Sympathy was seemingly mutual between the North Americans and the Chileans. On July 4, 1812, occurred a great patriotic celebration in honor of American independence which consisted of flag waving and banqueting, the Chileans being as enthusiastic

⁶⁷Worthington to Adams, March 7, 1819 (Manning, *Dipl. Corresp.*, I, 523-4).

⁶⁸Worthington to Adams, March 7, 1819, (Manning, *Dipl. Corresp.*, I, 524). The later actions of Worthington are directly contrary to his early views regarding aid to the patriots. See Worthington to Adams, Oct. 1, 1817, in *Ibid.*, I, 354.

⁶⁹Chandler, *Inter-American Acquaintances*, 26.

⁷⁰H. C. Evans, *Chile and its relations with the United States*, (1927), 12.

⁷¹A. S. P.-F. R., (1834 ed.), IV, 307; Chandler, *Inter-American Acquaintances*, 51; Evans, 16-18. The other two printers were Wm. H. Burdidge and Simon Garrison. The paper ceased publication on April 1, 1813. Johnston's activities are given in his *Letters written during a residence of four years in Chile . . .*, op. cit. Cf. Bernard Moses, *The Intellectual Background of the Revolution in South America*, (1926), p. 97. In 1810 Mathew Arnold Hoervel, a Swede naturalized in the U. S., had been commissioned by the Chilean government to introduce into the country a battery of artillery and a printing press. The press, which arrived from the United States in 1811, was the one he imported. Hoervel died in 1819 at Valparaíso, having served as captain of the Chilean militia, as treasurer of the navy and in other official capacities. (Moses, pp. 97, 107).

as the Americans.⁷² By 1818 the Republican party in Chile was frequently spoken of as the "North American Party."⁷³

Under such conditions of brotherly sentiment it is not surprising that many United States citizens took the part of the patriots against the Spaniards. It was commonly believed by the royalists in the neighborhood of Concepción that all Americans were on the patriot side and consequently the Chileans owed all of their success to American and English participation. For this reason such persons were hated by the Spaniards.⁷⁴

There were various ways in which Americans entered the Chilean service. In some instances United States seamen, finding themselves in Chilean ports, deserted to the patriot colors on promise of a better life. "Much complaint" was made by the United States sea captains that Lord Cochrane was enticing men from their ships.⁷⁵ Moreover, San Martín was accused of inveigling United States seamen into deserting the Chilean service for the Peruvian fleet.⁷⁶ At least one United States representative in Chile, Mr. W. G. D. Worthington, special agent to Buenos Aires, Chile and Peru, so far forgot his official position that he "interefered" to help various foreigners, including United States citizens, to obtain official positions in the patriot forces.⁷⁷ This same gentleman, who had prepared a plan of operation for the patriot fleet in the Pacific, did his utmost to obtain the command of the Chilean fleet for his friend, Commodore Chayter. The motives for his actions were, he avowed, to

"get Americans at the head of it [the Chilean navy] . . . If these provinces . . . were to be aided by foreign individuals, I wished to see them mainly assisted by Americans in achieving their independence." "When all the foreigners were straining to throw in their mite [to aid the patriots] my countrymen looked to me as their public

⁷²Johnston, 74. This feeling was reciprocated on February 12, 1821, when the United States frigate *Constellation* fired a salute in honor of Chilean independence. See Sherman, W. R., *Diplomatic and commercial relations of the United States and Chile*, (Boston, 1926), 17.

⁷³Worthington to Adams, July 4, 1818, (Manning, *Dipl. Corresp.*, II, 932).

⁷⁴[J. F. Coffin], *Journal of a residence in Chile by a young American detained in that country during the revolutionary scenes of 1817-1819*, (Boston, 1823), 160, 208.

⁷⁵Niles, July 10, 1819, 335; April 7, 1821, 95.

⁷⁶Thomas [Cochrane], Earl of Dundonald, *Narrative of services in the liberation of Chile, Peru and Brazil from Spanish and Portuguese domination*, (London, 1859), 2 vols. I, 175. An American citizen at Lima, Peru, affirmed that he saw American officers on the streets of that city wearing San Martín's "Order of the Sun." See Robert Proctor's *Narrative of a journey across the cordillera of the Andes and of a residence in Lima and other parts of Peru in the years 1823 and 1824*, (London, 1825), 116.

⁷⁷Worthington to Adams, March 7, 1819, (Manning, *Dipl. Corresp.*, I, 524-5).

functionary, to join with them—what would this government have said, if I declined stepping forth, on the cold abstract hypothesis of rigid neutrality?"

It was this man, too, who risked \$1000 on the Chilean fleet and at one time hinted strongly that he had been very influential in creating the Chilean navy.⁷⁸

With many Americans joining the patriot forces it was not surprising that some method was taken to stop enlistments. Captain Biddle of the United States sloop of war *Ontario* did all that he could to prevent this practice and so far succeeded that he was heartily thanked by American sea captains at Valparaiso for preventing them from being left "absolutely in a state of distress."⁷⁹

Nevertheless desertions from American vessels continued and in some instances United States seamen were forceably impressed into the Chilean service.⁸⁰ In any case the pay was small and often in arrears, and the advancement was as slow as in their own country.⁸¹ But their predicament was doubly bad when they fell in to the hands of the enemy. Because of the large number of Americans in the service it was inevitable that some should be made prisoners by the royalists. Tales of mistreatment of these persons, often exaggerated, are reported by many individuals. For the most part the prisoners were confined at Callao and Lima where they were employed at hard labor. However, Captain Downs of the United States frigate *Macedonian* was able to gain freedom for many of these men on the promise that they would never again take up arms in the service of the patriots.⁸²

Often American sea captains found it extremely difficult to maintain neutral positions. It was this same captain who was accused by the royalists of unneutral action on November 5, 1820, during the attack of Lord Cochrane upon Callao. While the

⁷⁸Worthington to Adams, March 7, 1819, (*Ibid.*, I, 524-6).

⁷⁹Niles, May 9, 1818, 189; July 18, 1818, 358.

⁸⁰T. H. Bennett, *A voyage from the United States to South America performed during the years 1821, 1822, 1823*, (Newburyport, 1823), 2nd. ed., 33-4. See also Koebel, *op. cit.*, 218-23, *passim*, for impressment of United States seamen by Benavides.

⁸¹S. Haigh, *op. cit.*, 256-7. In one instance when crippled United States sailors in Chilean service applied for compensation to the Chilean government they received \$20 per man and were ordered to leave town. See Bennett, *op. cit.*, 34. Many United States seamen in Cochrane's fleet became disgusted at the want of faith and refused to re-enlist. To meet this situation he and San Martín issued a decree promising to pay all arrears due the men together with one year's wages in advance upon entering Lima. This action it seems had the desired effect. Thomas [Cochrane], *op. cit.*, 76-7.

⁸²On the subject of United States prisoners held by the royalists see the following: Niles, April 1, 1820, 90; Samuel F. Holdbrook, *Three year's service; an autobiography*, (Boston, 1857), 271.

vessel took no part in the action the crew was accused of openly wishing the patriots success in a no uncertain way. Anger was so wide spread among the Spaniards that on November 6, when a boat load of United States sailors went ashore for provisions they were attacked by a mob with the result that several were killed and the others imprisoned.⁸³ United States ships, both merchant and naval, were constantly violating royalist blockading orders and were frequently captured or destroyed in consequence.⁸⁴ On the other hand they as freely violated the patriot blockades.⁸⁵

Throughout the latter half of the revolutionary period many vessels arrived from the United States carrying munitions.⁸⁶ Some came voluntarily to trade, while others arrived bringing cargoes ordered by the Chilean agents in North America.⁸⁷ Commerce with the United States was generally brisk.⁸⁸ It was from such merchant vessels as these that men were enlisted into the Chilean navy. Worthington wrote to Adams that United States "seamen seldom reship for the United States—but enter into foreign service."⁸⁹ And an observer added that foreign sailors were attracted to Cochrane's standard "because of the celebrity of his name, and the momentous nature of the cause."⁹⁰

⁸³Holbrook, chs. 11, 12; Mitre, *op. cit.*, 238-9; Maria Graham [Callcott], *Journal of a residence in Chile during the year 1822 and a voyage from Chile to Brazil in 1823*, (London, 1824), 72, note.

⁸⁴Holdbrook, *op. cit.*, 267; Niles, May 2, 1818, 168; Chandler in *Ann. Rept.* of A. H. A., *op. cit.*, 449; [J. F. Coffin], *op. cit.*, 33-6, 68, 156; Evans, *op. cit.*, 25-6; S. B. Johnston, *op. cit.*, 127.

⁸⁵Capt. Biddle of the *Ontario* went so far in violating Cochrane's blockade of Callao that he carried into that town the nephew of the Viceroy who gave the royalists news of a projected patriot invasion from Chile. (See Evans, *op. cit.*, 25). For other violations see Holdbrook, *op. cit.*, 213, 280-4. One writer asserted that an American vessel warned the Spanish fleet at Guayaquil in time to save it from capture by Cochrane's fleet. See Maria Graham [Callcott], *op. cit.*, 48. In 1818 the vessel *Governor Shelby*, from New York, sold 2000, or 3000 stands of arms at Lima to the Viceroy, and the ship *Two Catherine's* sold a cargo of wheat at Lima because it could get a higher price than from the patriots. See Worthington to Adams, Oct. 22, 1818, (Manning, *Dipl. Corresp.*, II, 943). An American named Smith conducted dispatches for the Spanish Viceroy in Peru and transported Spanish officers from port to port. Consequently when \$12,000 belonging to Smith fell into the hands of Cochrane it was confiscated. See Maria Graham [Callcott], *op. cit.*, 47-8 and note, and W. B. Stevenson, *op. cit.*, III, 43. In one or two cases Cochrane decorated his vessels to appear like United States ships. See Thomas [Cochrane], *op. cit.*, I, 7, 8; Maria Graham [Callcott], 45, note.

⁸⁶A. S. P.-F. R., (1834 ed.), IV, 305. This is a part of Bland's report.

⁸⁷See Maria Graham [Callcott], *op. cit.*, 28, 38; Chandler in *Ann. Rept.*, of A. H. A., *op. cit.* 448.

⁸⁸Sherman, *op. cit.*, 14; Evans, *op. cit.*, 23, 40, note 28; A. S. P.-F. R. (1834 ed.), IV, 312; R. Proctor, *op. cit.*, 109. Some of the ports seemed to be swarming with United States seamen and merchants. See Gilbert F. Mathison, *Narrative of a visit to Brazil, Chile and Peru and the Sandwich Islands during the years 1821 and 1822 . . .*, (London, 1825), 176.

⁸⁹Manning, *Dipl. Corresp.*, II, 942.

⁹⁰Capt. Basil Hall, *Extracts from a journal written on the coasts of Chile, Peru and Mexico in the years 1821, '22, '23*, (Edinburg, 1824), 2 vols, 3rd ed. I. 62.

Statements as to the number of United States sailors and officers in the Chilean fleet vary to such an extent that an estimate is extremely difficult. Certainly not more than one-tenth—(and probably much less)—were from North America.⁹¹ Of seamen in the service the great majority consisted of Englishmen, the remainder, besides Americans, being roustabouts, fishermen, and peasants.⁹² The officers of the fleet were almost exclusively English and American.⁹³

Many names of individuals from the United States appear in the naval annals of Chile,⁹⁴ but only a few of the more prominent ones will be mentioned. In the spring of 1813 the government of Chile purchased the United States armed brig *Colt*. Among the crew of 90 men were 16 United States citizens.⁹⁵ Upon conversion to Chilean status Edward Barnewell, a United States citizen, was made captain and S. B. Johnston, another United States citizen, was given the title of "Lieutenant of a frigate." A sister ship, the *Pearl*, a converted Lima merchantman, was also under the command of Barnewell though its captain was a Chilean. On May 2, 1813, the crew of the *Pearl* mutinied and joined the Spanish forces. The sailing master of the vessel, a Mr. King from the United States, jumped overboard and reported the rebellion to the Chilean government. In the meantime the *Colt's* crew revolted, imprisoned the Americans, except one Downes who joined with them, and surrendered to the royalists. The Americans were imprisoned in irons at Lima and put at hard labor, except Barnewell and Johnston who were exempt from heavy work. Finally with the aid of a United States

⁹¹See John J. Mehegan, *O'Higgins in Chile; a brief sketch of his life and times*, (London, 1913), 113; A. Coldcleugh, *Travels in South America during the years 1819-1821; Containing an account of the present state of Brazil, Buenos Aires and Chile*, (London, 1825), 2 vols., I, 20; S. Haigh, *op. cit.*, 249, 263-4; Maria Graham [Callcott], *op. cit.*, 44; Mathison, *op. cit.*, 282; [J. F. Coffin], *op. cit.*, 100; Romero, "Spanish American Independence and the United States" in *North American Review*, 1897, 558; W. B. Stevenson, *op. cit.*, III, 274; Cf. Koebel, *op. cit.*, 197.

⁹²See Mehegan, *op. cit.*, 113.

⁹³Mitre, *op. cit.*, 187, 189; Mehegan, *op. cit.*, 97, 111; Thomas [Cochrane], *op. cit.*, I, 23; Koebel, *op. cit.*, 204.

⁹⁴For the names of several less prominent individuals see Chandler, in *Ann. Rept. of A. H. A. op. cit.*, I, 450; Chandler, *Inter-American acquaintances*, 92, 101-2; Johnston, *op. cit.*, 101-2, 123-4, 127, 153; *South Pacific Mail*, (Valparaiso, Chile), "Spanish American Supplement," July 4, 1926. The great majority of United States citizens serving in the patriot cause will doubtless remain unidentified. But many of their deeds were recorded. For example, in 1817 at Valparaiso, about 25 English and American sailors purchased a small antiquated barge, named it *Death or Glory*, ran up the coast of Peru to Arica, and in six weeks returned with the Spanish ship *Mercurio* of 400 tons with a cargo worth \$300,000. The patriot government later purchased the vessel for a transport. See Haigh, *op. cit.*, 179-82.

⁹⁵For their names and positions see Johnston, *op. cit.*, 123. The names are also given in Chandler, in *Ann. Rept. of A. H. A. op. cit.*, 450.

citizen resident in Lima, a Mr. Carson, they were freed on October 13, 1813, on the promise that they would return to the United States.⁹⁶

On November 26, 1817, there sailed to South America on the ship *Columbus*, Mr. Charles W. Wooster, a native of Connecticut and a veteran of the second war with England during which time he had commanded a privateer. His journey was one of "mercantile speculation" having probably been influenced by the patriot agent in the United States, Carrera. His cargo of munitions was consigned to Messrs. Zimmerman, Lynch and Co. of Buenos Aires, at which city he arrived on February 4, 1818. After a brief pause he resumed his voyage reaching Valparaiso April 25, 1818. The ship *Columbus* was sold and fell eventually into the hands of the Chilean government, being renamed the *Araucano*. On August 10, 1818, Wooster was commissioned by the Chilean government a captain in the patriot navy and was given command of his former vessel. Later he was made commander of a larger ship, the *Lautaro* of 50 guns and 350 men. He proved himself an excellent commander but he ill-advisedly joined a cabal against his superior, Cochrane, and as a result resigned from the service in January, 1819. Three years later, on March 18, 1822, he was appointed chief of the Chilean naval forces in which position he remained until 1829 when he retired with the title of Admiral to the United States, dying at San Francisco in 1848.⁹⁷

Several young Americans received commands in the Chilean fleet at various times. Paul and William Delano, from Massachusetts, with three other United States officers served under Wooster. William Delano accompanied San Martín to Peru in August, 1820, as commander of a transport.⁹⁸ On December 6, 1817, Lieutenants Carson, Manning and Eldridge, all from the United States, took part in the attack of General Las Heras upon Talcahuano, Chile, the last named being killed in that battle. Carson, who was wounded at the same time, was given command of a company of marines under Lord Cochrane and took part in the attack upon Guayaquil November 25, 1819.⁹⁹

⁹⁶Johnston, *op. cit.*, 101 ff, 123-4, 153.

⁹⁷Thomas [Cochrane], *op. cit.*, I, 4-5; Mahoney, *op. cit.*, 349-50; Mehegan, *op. cit.*, 117; Maria Graham [Calcott], *op. cit.*, 37-8; Chandler, *Inter-American acquaintances*, 90-1; Chandler, "Admiral Charles Whiting Wooster in Chile," in *Ann. Rept. of A. H. A.*, *op. cit.*, 447-455.

⁹⁸Mulhall, *op. cit.*, 251-2; Chandler, *Inter-American acquaintances*, 92.

⁹⁹*South Pacific Mail*, (Valparaiso, Chile), "Spanish American Supplement," July 4, 1926; Chandler, in *Ann. Rept. of A. H. A. op. cit.*, 455.

In 1818 one Raymond Morris, a young man from the United States, was in command of the Chilean ship *Araucano*, of 16 guns and 110 men. Morris had taken part in the battle of Chacabuco but on October 10, 1818, he was suspended from the service by Cochrane for disobeying orders.¹⁰⁰ In the same year a Mr. Higginson from the United States was appointed Commodore of the Chilean ship *San Martín* because of his naval skill. However, he soon resigned from the service as he was "upwards of 60 years of age."¹⁰¹ In 1821 an American named Campbell was Lieutenant on board the *Independencia* in Cochrane's fleet.¹⁰² In December 1823 a United States citizen, Freeman Oxley, was cited for bravery in a naval engagement. He was later (1826) killed on a Chilean man-of-war in one of the last engagements against the Spaniards.¹⁰³

Upon the land as upon the sea, though to a much lesser extent, appear the names of American citizens found aiding the patriots in one way or another. Of these perhaps three deserve mention. Henry Ross, an engineer from the United States, rendered such good service that he was declared by the Chilean government "Benemérito de la Patria."¹⁰⁴

Another person of far greater note was Joel R. Poinsett of Charleston, South Carolina, the personal agent of President Madison in Buenos Aires and Chile. As a partisan of José Miguel Carrera he promised him military supplies from the United States which, however, were not forthcoming.¹⁰⁵ He accepted the position of authorized councillor for the Chilean government and a provisional constitution for the new republic was drawn up at his house in Santiago. He was given command of a division of Chilean troops fighting the royalists and so far forgot his position

¹⁰⁰*Ibid.*, 450-1.

¹⁰¹Haigh, *op. cit.*, 251.

¹⁰²Mahoney, *op. cit.*, 269-70.

¹⁰³Chandler, *Inter-American acquaintances*, 92. Most of the vessels on which these men served were equipped with supplies from the United States, and several ships had been purchased in the United States. Such appear to have been the *Lautaro*, *Independencia*, *Araucano*, *Chacabuco* and possibly the *Intrépida*, *Curatú*, *Coquimbo*, and *Maypo*. See Romero, *op. cit.*, 558-9 footnote; Niles, Jan. 2, 1819, 350; Mitre, *op. cit.*, 188, 203; Stevenson, *op. cit.*, III, 200; Maria Graham [Callcott], *op. cit.*, 33; John Miers, *Travels in Chile and La Plata* . . . (London, 1826), 2 vols., II, 18, 20; Luis Langlois, *Influencia del poder naval en la Historia de Chile desde 1810 á 1910*, (Valparaíso, Chile, 1911), 30.

¹⁰⁴Chandler, *Inter-American acquaintances*, 93.

¹⁰⁵Poinsett, according to the *La Aurora*, (Santiago, Chile), of Feb. 26, 1811, ordered 6000 muskets, 1000 pistols, some light field pieces, uniforms, saddles and trumpets in the United States. See A. S. M. Chisholm, *Independence of Chile*, (Boston, 1911), 211.

as United States agent as to lead them in at least one engagement. In 1814 he was asked to leave the country.¹⁰⁶

Another American who rendered great aid, though not as a leader of troops, was John B. Prevost, United States agent in Chile. Besides helping to supply ships with men and munitions he carried news, gathered during a visit to the Viceroy of Peru, to the Chilean government "which was highly interesting" to them. He also furnished a United States citizen in Peru, a Mr. Cleveland, with information for the patriots, and "facilitated" his carrying the news to its proper destination.¹⁰⁷

V.

Little need be said by way of conclusion. It will appear to the student of this period that the present study is not definitive. It has simply aimed to indicate the way. Much remains to be done. The public documents of the several South American states concerned must be combed. Also their periodicals must be closely examined. Valuable information may doubtless be obtained from some works of travel which the writer has been unable to use. Certainly some material may be gleaned from the general and special histories of the period written in various languages. Others will be able to exhaust and complete what is here begun. The subject is interesting and the field is broad. *Fortes fortuna adjuvat*.

¹⁰⁶C. J. Stillé, *The life and services of Joel R. Poinsett . . .*, (Philadelphia, 1888), 27-30; Paxson, *op. cit.*, 115; Sherman, *op. cit.*, 11-12; Evans, *op. cit.*, ch. 2 *passim*.

¹⁰⁷Guido to Supreme Director of the United Provinces, Sept. 30, 1819, (Manning, *Dipl. Corresp.* I, 552-4, note 2).



THE SPANISH PROCEDURE IN LOUISIANA IN 1800 FOR LICENSING DOCTORS AND SURGEONS

Introduction by the Editor of the Quarterly

WE HAVE found in the Spanish records at the Cabildo a very curious document that will interest the physicians and surgeons of Louisiana, showing as it does, the method of licensing these gentlemen to practice in Louisiana under the Spanish regime at the beginning of the 19th century.

It is palpable that Dr. George Pfeiffer, who is the subject of this particular licensing was one of the new arrivals in the Spanish Province of Louisiana but unfortunately the record does not preserve his history previous to his arrival.

The document shows that he was subjected to a rigorous examination before commissioners named for that purpose by the "Very Illustrious Corporation," the Cabildo of Louisiana, and also by a "faculty" elected for the same purpose, doubtless men of the same profession already located in New Orelans. Dr. Pfeiffer could not speak the official language of the province (Spanish) and his examination was conducted through the medium of Pedro Pedesciaux, an interpreter, who was also the escribano of the Cabildo.

That Dr. Pfeiffer survived their tests speaks loudly for his ability and for the skill of the learned interpreter and escribano. This test concluded, he was transferred to the Governor's presence, who in due course, conceded him the title of doctor and surgeon and licensed him to exercise the functions of his profession "in the place most convenient to him not only in this City, but in the Province of Louisiana as well." The Governor further declared that,

"All courtesies, privileges and exemptions must be accorded to him, that by reason of this said calling he must enjoy well and duly with the rest of his class; in practicing his profession the fees and emoluments that he will earn under requisite conditions must be paid to him."

But before enjoying these prerogatives or receiving this title, he was required,

"to take the accustomed oath before the Very Illustrious Corporation in the first ordinary Session of the Cabildo that will be held."

We are left in doubt as to the nature of this oath, but in all probability it was one of allegiance to the Spanish Sovereign who was the master of the "Illustrious" officials who had conducted the test before whom he had demonstrated "his aptitude and sufficiency to exercise his functions."

Our short preface has not exhausted the pomp and ceremony of the Session at which Dr. Pfeiffer received the approbation of his examiners in New Orleans, January 22, 1800, and that the modern reader may participate therein, we print herewith the Official Certificate still extant in our old records, with a lucid translation made by Laura L. Porteous, who is in charge of the Spanish Archives at the Louisiana State Museum in the Cabildo of New Orleans.

HENRY P. DART.

DOCTORS AND SURGEONS IN LOUISIANA, 1800

The Official Certificate of Governor Nicholas Maria Vidal, admitting George Pfeiffer to practice as Doctor and Surgeon in Louisiana in 1800.

Translated from the text of the original in the
Cabildo at New Orleans
by
LAURA L. PORTEOUS

I.

(Translation)

Don Nicolas Maria Vidal, Chavez Echavarry de Madrigal y Valdes, Lieutenant Governor and Auditor of War for these Provinces of Louisiana and West Florida, Political Governor ad interim of it, Royal Vice-Patron and Subdelegate Judge of the Royal Revenue of the Post Office for His Majesty etc.

Whereas: Don George Pfeiffer, Doctor and Surgeon has taken the oath of allegiance, on the seventh of the current month before me and the Escribano of the Government and public of this city, with the assistance of the public Interpreter: The examination of this Doctor and Surgeon was

held on the eighteenth of the same month, before the Commissioners named by this Very Illustrious Corporation and of the faculty elected for this purpose, with the assistance of the forenamed Interpreter and Escribano; his aptitude and sufficiency having been proven by it, in order to exercise his functions and requested by the forenamed Don George Pfeiffer, the corresponding title must be issued to him in due form. Therefore: using the faculties that are conferred upon me, I concede to him this said title so that he can exercise and may exercise the functions of Doctor and Surgeon in the place most convenient to him, not only in this city, but in the Province of Louisiana as well and that he must be recognized and held as such; All courtesies, privileges and exemptions must be accorded to him, that by reason of this said calling he must enjoy well and duly with the rest of his class; in practicing his profession the fees and emoluments that he will earn under requisite conditions must be paid to him; before being presented with this title he has to take the accustomed oath before the Very Illustrious Corporation in the first ordinary session of the Cabildo that will be held and in order that it may be accredited when it may be necessary I order issued the present, signed by my hand, sealed with the seal of my arms and countersigned by the undersigned Escribano of the Government of this City of New Orleans, the twenty-second of January of the year one thousand eight hundred.

Nicolas M. Vidal

Sealing
wax
Seal.

By Order of His Lordship
Pedro Pedesclaux
Escribano of the Government.

II.

(Text)

Dⁿ Nicolas Maria Vidal, Chavez Echavarry de Madrigal y Valdes, Teniente Gobernador y Auditor de Guerra de estas Provincias de la Luisiana, y Florida Occidental, Gobernador Politico Interino de ellas, Vice-Patrono Real. y Juez Subdelegado de la R^l Renta de Correos por S. M. & a.

Por Quanto Dⁿ Jorge Pfeiffer Medico y Cirujano ha prestado juramento de fidelidad por antemi a los siete del corriente mes, y del Escribano de Gobierno y Publico de esta Cuidad, con asistencia del Interprete publico: verificado el examen de tal medico, y cirujano a los diez y ocho del mismo, por ante los Comisarios nombrados por este Muy Ilustre Ayuntamiento, y de los facultativos electos a este fin. con

asistencia de los prenotados Interprete, y Escribano; y resultado de él su aptitud, y suficiencia para exercer sus funciones y pedido se por el nominado Dⁿ Jorge Pfeiffer se le despachase el correspondiente titulo en forma: Por tanto: usando de las facultades que me son conferidas, le concedo la de que pueda exercer, y exerza en el parage que mas le conviniere, tanto en esta ciudad, como en esta Provincia de la Luisiana, la de Medico, y Cirujano: que se le reconozca y tenga por tal; que se le guarden todas las gracias, privilegios y exempiones que por razon de dhos empleos tiene y debe gozar, como los demas de su clase, bien y debidamente; haciendo se le contribuyan con los derechos y emolumentos que devengare: baxo la precisa condicion de que previamente se haya de presentar con este titulo a prestar el juramento acostumbrado ante el M. I. A. en el primer Cabildo ordinario que se celebre: y para que pueda acreditarlo donde convenga, mandé librar el presente firmado de mi mano, sellado con el sello de mis Armas, y refrendado por el Infrascrito Escribano de Gobierno en esta Ciudad de la Nueva Orleans à veinte y dos de Enero de mil y ocho cientos años.

Nicolas M^a Vidal.

Sealing
wax
Seal.

Por m^{do} de su Sria.
Pedro Pedesclaux
Es^{no} de Gov^{no}



DUFOUR'S LOCAL SKETCHES

(*"Esquisses Locales par Un Inconnu"*)

Translated under the editorial supervision of

ROBERT WILLIAM COLOMB

Secretary Louisiana Historical Society and member Editorial
Advisory Board, La. Hist. Quarterly

NOTE BY THE EDITOR OF THE QUARTERLY

WE BEGIN here the publication in translation of a curious and rare Louisiana book. It is a collection of personal sketches, "pen pictures," that appeared serially and anonymously during the months of February-April, 1847, in French in the *Courrier de la Louisiane*, a newspaper published at that time in French and English in New Orleans. These sketches carried the general title *Esquisses Locales* (Local Sketches) and each one was devoted to a special figure in the local life of the day. They were afterwards gathered into a small volume printed in French in New Orleans. The author retained his anonymity during the serial and in the collected work, but by the time of the latter publication, it was generally known that *Esquisses Locales* (Local Sketches) was the product of Cyprien Dufour, a scholarly member of the New Orleans Bar, who had amused himself with sketches of some of his acquaintances and contemporaries. He several times declared as the series progressed that he was greatly surprised to find his slight efforts elevated into one of the popular themes of the day, and he closed the series abruptly declaring he was not ambitious to be an author. There may have been another reason for this decision, but this we must deduce from a study of the sketches. The average human is not always pleased with contemporary delineations of his mental and physical characteristics. Such attempts at evaluation of his merits are apt to rouse feelings quite unanticipated by the critical appraiser. It may well be that Mr. Dufour had this in mind when he closed his literary career and applied his whole strength to his professional work at the bar.

During many ensuing years, the sketches retained their vitality, but as the readers of that era passed away, the fame of the work declined, or perhaps it would be better to say became legendary. Casual mention of it by Fortier and others in occasional writings aroused my curiosity, and I began to track the

source of the legend, finding myself literally searching for a "lost book," but I never found it until one day it was brought to me by my friend, Mr. Edgar Grima of New Orleans, whose modesty prevents us from uttering here the just praise that is due him for his accomplishments in the literature of Louisiana.

Still later the subject was revived in a chat with Mr. R. W. Colomb, the versatile and scholarly Secretary of the Louisiana Historical Society, and out of this grew the idea of translating the book for the benefit of the readers of the Quarterly. It was desired to print the text and translation because of the delicacy and originality of the author's style and matter and because we feared it could not be rendered into equivalent English. Thereupon, Mr. Colomb volunteered to translate Dufour, but he soon concluded the task would be better accomplished by distributing the work among other scholars, gaining thereby the benefit of many minds, working in harmony on the exquisite text of the author. A plan of division of labor and union of forces was evolved but the conception and execution of the plan is wholly that of Mr. Colomb. Any one who has attempted any such collaboration will realize the task he took upon himself. The labor of love became a taskmaster. It is the writer's impression that no other associate on the Quarterly could have realized the conception, but Mr. Colomb was never daunted. He pursued his translators far and near and indefatigably, and with so much self sacrifice on the part of all, that the close of his self allotted task produced a work we believe will be as famous as the "lost book" of Mr. Dufour.

The Editor of the Quarterly has read these translations with a growing pride in the result and he is glad to extend to one and all of the co-workers this ardent appreciation of their work. Not only has the French text been rendered into equivalent English, but every expression of the author has been tracked to its source. Dufour scintillates with elusive sentences drawn from the vast stores of his own reading. Colomb has caught the spirit of these thoughts and brought them to earth, with editorial notes that anchor every reference to its source. We should ordinarily apologize for the space this translation is going to occupy in the Quarterly, but having abandoned the idea of reproducing the French text, we open our door to the translation as a good host does to his guests, feeling that within these pages during the run of this series, we shall have satisfied the hunger of many minds and rendered a service to the history of literature in Louisiana.

This first installment covers ten of the Local Sketches and this editorial introduction and the general introduction by Mr. Colomb. The succeeding installments will present the sketches in as great number as possible, until they are all printed.—H. P. D.

I.

Introduction by R. W. Colomb

In submitting this work to the readers of the *Quarterly*, we pretend to no other merit, and wish to assume no other responsibility, than that of faithful translators.

"A mere spectator of other men's fortunes and adventures, and how they play their parts, which methinks are diversely presented unto me."—Burton.

Mr. Fortier in his *History of Louisiana*, at pages 259-61, Vol. IV; and Vol. 2, pages 73-75, tells us that

"among the Historical Works of Louisiana, are Mr. Cyprien Dufour's '*Esquisses Locales*' (1847)."

A volume of Pen Picturés of local prominent men most fully before the public; reviewed critically by one who knew the manners of men of his generation—who studied them and their ways, and retained a very pleasant souvenir of his impressions. Imperfection seems to have characterized some of them.

Had the critic agreed with them always, there would have been nothing to relate. To be in complete accord renders any conversation impossible. ("L'accord parfait rend toute conversation impossible.")

"Si l'homme en question est tel qu'on me le dit, terminons au plus vite, l'hymen dont il s'agit." (If the man in question is what he is said to be, let us terminate at once the protracted union).

The sketches were first published in the *Courrier de la Louisiane*, February-April, 1847. They are 48 in number; and the first one strikes the keynote of the subsequent ones. The editor of the collection begged leave to say:

"In giving it to the public, I indulge the hope that Louisiana will preserve this volume as an interesting reminder of the men and literature of the present time.¹

"The sketches have an object. It is of no great importance. They will assume to point out good qualities

¹"Haec olim meminisse juvabit." (It will be pleasant to remember these things hereafter).

without flattery, and the bad without malice. Their sole merit is that they were caught on the fly in moments of leisure.² Their aim and purpose—some reflections of the truth. That is all.”

In his *Lettre d'Envoi*, the author states that it is useless to ask his name. “I have lived,” he says, “the shadow.” “Suffer me to continue so. *Stat umbra.*”³

The truth is due to all public men—but alas, they are almost always defamed.

“A tout homme public, on doit la vérité.” (The truth is due to all public men).—Délavigne.

“L'homme public hélas, est toujours diffamé.” (A public man alas, does not even escape defamation).—Ronsard.

The most perfect good will, does not exclude just criticism. Voltaire said:

“How I love people who say what they think.”

A sketch (*esquisse*) has been defined to be “Une oeuvre d'imagination, de spontanéité, traité avec fougue, verve, passion, et chaleur.” (A work of the imagination, spontaneous, treated with ardor, spirit, passion and fervor). It has been said “Nor ought a genius less than his that writ, attempt translation.”

The editor of the *Quarterly* (not the least pride of his life) conceived the idea. Having heard the message, and not lacking the faith, a small band of associates (*sociétaires*) formed a corps. They have made a serious and sincere endeavor through these translations, to bring to the attention of the readers of this *Quarterly*, the *Esquisses* (sketches) which will be found, we believe, to possess charm, merit, uniqueness, and instructiveness.

The translations are believed to be accurate versions in English of the originals in the French language. Some are closely literal; others, more free; reproduced in a somewhat enlarged scope (“dans un cadre élargi”) possibly, not with the

²Cicero has written “*Haec scripti non otii abundantia, sed amoris erga te.*” (I have written this, not from having an abundance of leisure, but of love for you). Possibly the *Inconnu* had in mind the same thought.

³“*Stat magni nominis umbra.*” (He stands, the shadow of a mighty name), is a quotation from Lucan, the chief Roman poet of the silver age. “*Stat nominis umbra,*” was an adaptation used by Junius as the motto of his pseudonymous letters, a series of 70 letters signed Junius which appeared in the *Public Advertiser* of London between January, 1769, and January, 1772. In 1812 there appeared a new edition of 113 additional letters.

same exuberance of thought and splendor of diction. It was the Creole Era; L'Age D'Or des Créoles, then in flower. Is it raillery, banter, or badinage? We think it is not satire nor ridicule.

Satire was a name given by the Romans to a type of poem in which men were held up to ridicule. With some poets the object of the ridicule was to better the conditions which they satirized. Lucilius was the originator of the form, and Juvenal its most famous master. Dryden's Absalom and Achitophel, MacFlecknoe, Johnson's London, and Pope's Dunciad, are great satirical poems in English. So too, Swift's Gulliver's Travels in prose. In the United States, we had Lowell, Holmes and Mark Twain. Haliburton, was the foremost Canadian satirist. Washington Irving in his "Sketch Book," "sketched" some of the most beautiful descriptions of historic places ever penned.

Aristophanes. (444-380) B. C., the great writer of comedies in ancient Athens, gave a picture of the political and social conditions of Athens in his time. He was not afraid to ridicule such well known men as Cleon, Alcibiades and Socrates; tho his late plays, are less personal than the earlier ones. His plays are remarkable for wit, rollicking fun, originality and mocking satire.

The Letters of Junius opposed the ministry in power. They had a great popularity and powerfully promoted the cause of civil liberty. They were the political letters of an English writer conjectured to be Sir Francis Sidney, 1740-1818, printed in the *Public Advertiser*, under the pen name of Junius. "Letters to a Provincial," of Blaise Pascal* (1623-62) appeared in 1656-57. There is more of severity of invective, and pungency of sarcasm, in the foreign letters, than in the local ones.

In his closing letter of the series, here printed, the author (L'inconnu) tells us:

Sir,

"I had hardly begun, and here I am at the end. What is to be done? The intrigue is found out, and I am not ambitious to become an author.

"The letter which served as a preface to the sketches, gave a partial indication of the spirit which would prompt them. I did not purpose creating a course of study. I

*Blaise Pascal, a celebrated french philosopher, mathematician, and physician, born at Clermont-Ferrand, June 19, 1623, died August 19, 1662. His "Provincial Letters" were produced in 1656. He meditated and began to compose a systematic and extensive work on the fundamental truths of religion and the evidences of Christianity. "Thoughts of Pascal" (*Pensées de Pascal*) 1670. See *Comptes Rendus de l'Athénée Louisianais*, January, 1925, pp. 6-24.

admit that I had not dreamed of it. It was still less criticism, wherein my aim would be to make due allowance for the good and the bad—I should have gone about it in a different manner.

"It was doubtless a literary fancy—Probably I wished, without being able to fully account for it, to point out to the management of the newspapers of the country a new vein filled with interest and events of the day.

"It certainly did not enter into my plans to chant a series of recantations according to those two famous verses:

"*Je lui sais trop de bien pour en dire du mal*
*"Je lui sais trop de mal pour en dire du bien."*⁵

Le Courier de la Louisiane, (*The Courier*) published by Jerome Bayon⁶ was the official paper of the General Government, the General Council, and the Third Municipality. In 1836 New Orleans was divided into three municipalities, each declared to be a distinct corporation, and governed by a council composed of a recorder and the older men elected by the wards within the limits thereof. There was one Mayoralty, and a General Council composed of the councils of the three municipalities, with power to legislate on points of common interest, over which the recorder of the first municipality presided. The first comprised the region about the French-Spanish town, the second began at the Faubourg St. Mary and the third at the Faubourg Marigny.⁷

The Courier carried Foreign News (*Nouvelles d'Europe*), had a Marine Column, and numerous cards announcing the arrival, and departure of vessels, both seagoing, and river. Families were invited to go and get fresh air on the river ferry. It was filled with political news, national, and state, and local. It carried military intelligence. It had many commercial advertisements. Offered leeches for sale. Slaves were advertised for sale, and rewards offered for the return of those who had escaped. Arrivals of wines and brandies were announced.

⁵Translations:

"Knowing some good of him, I cannot criticize,

"Yet, knowing ill, to praise is scarcely wise."

(From Editorial Rooms of the *Ladies Home Journal*, Philadelphia)

"I see so much virtue in his failings
 And so many failings in his virtue,
 That it would not do with his failings
 To speak too much of his virtue."

(From Jesuit High School, New Orleans)

⁶Chas. Bleton was the editor of the French section of the *Courrier*.

⁷Fortier (*Louisiana*) III, p. 225.

Le Théâtre d'Orléans, (Orleans Theatre) had a prominent place in the pages of the *Courrier* and also the St. Charles Theatre, and Armory Hall. It was stated that New Orleans had never before (1847), been so occupied with theatrical amusements, and that the Opera would be filled with the nice people of the town. The Chronique Théâtrale was frequent and enthusiastic. It had a "feuilleton." There was a correspondents' column, and a forum. Both were much used. But wholly on the French page—such is the genius of the tongue. There was no death column (Décès), nor one for marriages (Mariages et Naissances), nor a Society news section. (Soirées et Réceptions).

Its contemporary *L'Abeille* (*The Bee*) was buzzing cheerily at the same period, endeavoring to advance man's noblest mission, and assuage his woes. Its sheets were big with the wonders of each passing day. One is tempted to digress—if indeed it be digression to journalism. Dr. Kendall tells us that the history of American journalism, when it comes to be written, will be a colorful and vivid document.

"New Orleans," he says, "is one of the few American cities which has retained its personality. It preserves to this day, characteristics inherited from its French and Spanish masters, and these qualities have made themselves felt in its newspapers, in a certain urbanity of outlook, and catholicity of interest." Dr. Kendall tells us also that the *Courrier* was first published October 14, 1807, and ceased May 29, 1859. It had been improved from year to year by successive administrations till it became one of the best papers in the country. It seems to have been an afternoon paper.⁸

On February 4, 1847, the editor of the *Courrier* published a statement that he had in response to a polite request made to him by the Unknown, determined to suspend the rule against the printing of anonymous communications, and would tender his columns for the printing of the Unknown's letters, or sketches. At the same time he urged upon the Unknown to set to work at once, and not keep the readers in suspense.⁹

⁸See "Early New Orleans Newspapers." By J. S. Kendall, in *La. Hist. Qy.*, Vol. 10, No. 3, pp. 383-401, July, 1927. Also George Wilkins Kendall, and the founding of New Orleans *Picayune*, by J. S. Kendall, *La. Hist. Qy.*, Vol. XI, No. 2, p. 261, April, 1928.

⁹"The following letter, which precedes a series of letters, has been addressed to us by an Unknown, who (in parenthesis) we are unacquainted with. But since the author proposes to handle his topic with the courteousness which we observed at the start, we have judged it proper to make an exception to the rule which we have adopted of not offering our columns, to anonymous communications. We hope therefore, that our correspondent will set to work and that he will not, after the manner of M. Eugene Sue (Letter of Abbe Rouquette No. 46, XLVI) leave his readers in suspense for whole months." Lettre D'Envol, *Courrier*, Jan. 4, 1847.

On March 30, 1847, the *Courrier* printed a letter to the Unknown, signed "J. B."¹⁰ telling him he was trying to ascertain who he was. That he believed he had penetrated his disguise (but all the while, the Unknown refused to unmask), and on the same date praised his writings. On April 6th, 1847, "Justice" wrote in praise of the esquisses. This appeared in the paper of that date.¹¹ On April 20, 1847, "Civis" addressed a poem to the Unknown, which was printed in the newspaper of that date.

It was a happy thought on the part of L'Inconnu to join together in a series of 48 sketches the pen portraits of that number of his contemporaries, literary and political figures, whose names had become known through association with some high office, or because of their talents. Mr. Fortier in the *Comptes Rendus de l'Athénée Louisianais*, for 1892 at page 212 said:

"The author presents a series of portraits of eminent men of the day, and proves himself possessed of an astounding power of critical judgment. In turning over the pages of the little book, we see in review before our eyes, all the men of former Louisiana; lawyers, statesmen, journalists, prose writers, and poets."

Cyprien Dufour, Esq., was born in New Orleans September 16, 1819. While he was primarily an advocate at the bar, he was nevertheless a literary man of classic taste, whose attainments and style in composition, distinguished him among the educated gentlemen of the period. He seems at one time to have turned aside to the indulgence of his taste for literature, and with the *Esquisses* augmented to the extent of one volume at least, the patrimony of French letters in Louisiana. The leisure moments of a period less strenuous or of ease, gave to the Unknown the time to survey the city's life. Those whose actions he reviewed, did not always delight in the sweetness of praise. He attempted

¹⁰AN APPRECIATION OF L'INCONNU

"The style is flowing; as caressing as the breath of the zephyr, as brilliant as the diamond, as pure as crystals, as charming as Adonis; he ravishes, he enchants, he seduces. The Unknown is more than a man of wit, he is a man of taste. His touch is so pure, so delicate, that his portraits please everyone.

"Is he a Frenchman? He has all the graces of one, all of the 'parure.' Is not Louisiana a bit of France? Isn't New Orleans a ward of Paris? If he is not a Frenchman, he is one in intellect, he has the wit of one.—J. B."

He might have added: "L'Esprit vraiment français jaillissait de sa plume." (A truly French ingeniousness gushed forth from his pen).—R. W. C.

¹¹"The author of the *Esquisses Locales*, an Unknown, is a witty writer. His productions which are so spirited and spicy, and which have for the past few weeks delighted the leisure of your readers are in many respects remarkable.—Justice."*

*What a fine thing it is to have a clever bard for a friend? What had Achilles been without his Homer?—*The Iliad*.

—R. W. C.

to draw a true portrait of his subjects—un portrait véridique—they were free judgments (*jugemens libres*) a title given by M. Massis to one of his books, because a critic must "judge," even if he must at times, condemn. In the *Esquisses*, the biography is not excessively aggressive, and there seems to be something of an *entente cordiale*, between the biographer and his subject.

Mr. Charles Testut, a contemporary, wrote:

"In general his style is pure; full of tact, and delicacy; but he has the defects of his qualities. In taking Mr. Dufour, the Bar will cause us to lose a distinguished *littérateur*, and for a long while, we shall be deprived of productions which would have brought honor to our country. 'It is only the good who take their departure,' is sorrow's inscription on the headstone of a friend. There are too many superior writers who forsake the domain of Letters. We say this as an echo of the grief of those who survive."¹²

The *Bee* (*l'Abeille*) of Thursday morning, February 9, 1871, said,

"it announced with sorrow, the death of Mr. Cyprien Dufour at ten o'clock the night before, after a long and painful malady. Mr. Dufour was one of the most distinguished members of the New Orleans bar, and most justly honored as such. His death would not only be a cruel blow to his children, his family and his friends, but it would also cause regret among his colleagues at the bar and in the world of affairs among those capable of appreciating the uprightness of his character and lofty principles. Before becoming a lawyer, Mr. Dufour had made himself known as a literary man, and his name occupies a place of honor in the list of Louisiana writers. He was but 51 years of age."

The New Orleans *Picayune* (A. M. Holbrook, Editor and Proprietor) announced the death in this form:

"Cyprien Dufour
"Born Sept. 16, 1819
"Died Feb. 10, 1871

"It is our sad duty to record the death of C. Dufour which occurred on Wednesday night at 10 o'clock. Deceased was in his 52nd year, and from his majority to within a few months of his death, was a practicing mem-

¹²Portraits Littéraires, Charles Testut, 1855, pp. 49-55.

ber of the bar. He has been engaged in very many important cases in which he met with success due to learning, industry and talents of a high order. To capacity of the Senatorial rank he joined acquisitions which were profound and extensive. His brethren at the bar owe a special tribute to his memory for the dignity, manliness and rectitude by which the lamented advocate adorned the practice of this noble profession.

"Cyprien Dufour had established an enviable reputation as an eloquent, accomplished, vigorous writer. In important public assemblages, where the will and voice of the orator are needed to give expression and direction to popular sentiments, the eloquence of the deceased was often listened to with profound attention. He was the brother of the present senior proprietor of the *Bee*, whose columns have often been gemmed with his elegant essays."

Some persons have expressed the belief that the Sketches were a bit difficult to translate.¹³ The difficulty in translating is to give the thought expressed in one language in the "idiom" of another, that is, the construction of phrases and sentences; and the way of forming, or of using words. The peculiar mold in which each language casts its thought.

"Every existence has its idiom, and everything has an idiom and a tongue."—Whitman.

"Words are such transient things;
Thoughts are too hidden for speech;
Probe them—they shrink in dismay:
Lure them, they fly from our reach."

Other aspects of the translations will be found in the great resources of the Howard Library, files of the *Courrier*, 1847, or the nearly complete set of the same in the Louisiana State Museum at the Cabildo; French Literature of Louisiana, by Ruby Van Allen Caufield (1929) reviewed in *Times-Picayune* Sept. 8, 1929, and in *La. Hist. Qy.*, V. 13, p. 484, July, 1930; Histories of Louisiana and of New Orleans, by Fortier, Kendall, Rightor, Saxon, King. *Comptes Rendus de l'Athénée*, 1890-91-92-93, 1924, 1926.

The Athénée, a small but illustrious body (*petite mais illustre compagnie*) is a related one. It is the local "Académie." To

¹³Formerly difficulties arose from the variance of the texts of the Code. Our Code was passed previous to the enactment of the Constitution and the Legislature in adopting it directed that the French and English texts must be taken together; and that they should mutually serve for the interpretation of each other. 1 Martin (N. S.) 425-27; 2 Martin (N. S.) 584-5; 2 Martin Digest 98; 12 Martin (O. S.) 702-06; 16 Louisiana, 547-556-7.

read the pages of its journal (*Comptes Rendus*) is "s'instruire en se recueillant." (Learning through meditation).*

"Blessed is the man that doth mediate good things."
(*Ecclus* 14-20).

The first purpose of the *Athénée* is to perpetuate the French language in Louisiana; to propagate it, and enable Louisianians to have knowledge of it.

The *Quarterlies* of the Louisiana Historical Society will prove a source of profitable and entertaining instruction at all times.

Without the aid of the corps of translators who volunteered, this humble work would not have been possible. We are privileged to possess the *Esquisses* in durable form ("*scripta manent*"). They deserve our lasting gratitude. "Memories are Memories as long as they last." It was the conception of the editor of this magazine, who amidst the duties of a laborious profession, can still find leisure for holding converse with the pages of old New Orleans' history; and in whom legal erudition is so happily blended with the lighter graces of modern literature.

Now that we have conscientiously completed our task and may say *Finis Ecce Laborum*—(Behold the end of our task). Sweet solace of toil! I trust it will be found that we have fulfilled the sphere and scope of the project undertaken. Some may call us Traitors! Traduttore! Traditore! (Italian proverb). If that be treason, make the most of it.

To our associates I say:

"En la communauté de travail, Chacun en a sa part, et tous, l'ont tout entier." (In the community of work everyone has his share, and all have the whole.)—Hugo.

"Dans toutes nos traductions, n'est il pas vrai mes confrères, soyons plus heureux de les bien sentir les choses, que malheureux de les mal exprimer." (In all our translations, is it not true my fellow workers that we should be happier that we understood these things, than unhappy at having badly expressed them).

Our Society's welfare is our first concern; and who promotes that best, best proves his duty.

ROBERT WILLIAM COLOMB.

*Veuillent l'Académie et el lecteur nous breveter pour cette expression nouvelle. (May the Academy and the reader confer upon me a degree for this new expression).

A diverting book written by two members of the faculty of Newcomb, bears the alluring title "S'instruire en s'amusant." (Learning through pleasure).

There are forty-eight sketches in all and they have been arranged in the order in which they appear in the book. The list below furnishes the number and title of each sketch and the name of the translator.

- I. Jas. P. Freret.....R. W. Colomb
- II. M. M. Reynolds.....R. W. Colomb
- III. Isidore Labatut.....R. W. Colomb
- IV. Fergus Gardère.....R. W. Colomb
- V. Randell Hunt.....R. J. Usher
- VI. Thos. H. Howard.....Miss McGehee's School
- VII. Benjamin Fonteneau.... Ursuline Convent
- VIII. Charles Forstall..... Ursuline Convent
- IX. Pierre Soulé.....Ethel W. Usher
- X. Etienne Mazureau.....R. W. Colomb
- XI. Charles Derbigny.....R. W. Colomb
- XII. C. M. Conrad.....Newcomb College
- XIII. Bernard Marigny.....R. W. Colomb
- XIV. Jno. Slidell.....R. W. Colomb
- XV. A. B. Roman.....Convent of Mercy, St. Mar-
tinsville, La.
- XVI. Alexandre Mouton.....Paul Villeré
- XVII. Robert Preaux.....Dagmar Renshaw LeBreton
- XVIII. Alexander Derbes.....Tulane University
- XIX. Edgar Montegut.....R. W. Colomb
- XX. William Freret.....R. W. Colomb
- XXI. Charles Genois.....P. D. Olivier
- XXII. A. J. Guirot.....R. W. Colomb
- XXIII. J. F. Canonge..... Ursuline Convent
- XXIV. Charles Maurian.....H. J. Gassie
- XXV. Isaac T. Preston.....H. J. Gassie
- XXVI. E. A. Canon.....Georgina Herbert
- XXVII. Jno. R. Grymes.....R. W. Colomb
- XXVIII. Christian Roselius.....Jesuits High School
- XXIX. Louis Eyma.....Edgar Grima
- XXX. A. Graihle.....St. Clair Favrot
- XXXI. Chas. Bayon.....Hy. J. Gassie
- XXXII. Jules Magne.....Rayne High School
- XXXIII. Paul Arpin.....R. J. Usher
- XXXIV. James Foulhouze.....Hanson Memorial High
School, Franklin, La.
- XXXV. Frederic Gaillardet.....Newcomb College
- XXXVI. Abbé Perche.....Paul Villeré
- XXXVII. Charles Gayarré.....Jesuits College
- XXXVIII. Henry Remy.....Convent of Mercy, St. Mar-
tinsville, La.
- XXXIX. Dominique Rouquette...Paul Villeré
- XL. Felix de Courmont.....Convent of Mercy, St. Mar-
tinsville, La.
- XLI. Arthur Denis.....Jeanne Dupuy Harrison

XLII. Numa Dufour.....	Héloise H. Cruzat
XLIII. Placide Canonge.....	Edgar Grima
XLIV. Albert Fabre.....	Georgina Herbert
XLV. Louis Siret.....	Ethel W. Usher
XLVI. Abbé Rouquette.....	Laura L. Porteous
XLVII. Alfred Mercier.....	Edna M. Barlow
XLVIII. G. A. Montmain.....	R. W. Colomb

I.

JAMES P. FRERET*

(Courrier, Feb. 8, 1847)

Translation by R. W. COLOMB

You observe Sir, that I inaugurate my work shop with a task to the purpose. I can hardly start better than with personages who are now most fully before the public. If I let the occasion pass this time, it might not present itself again. What assurance have I that I shall recall the names of certain candidates after they shall have been beaten down from the tops of the columns of their newspapers?

Mr. Freret's name is not new in the politics of our good city. He is an old stager who has more than once, been stripped of his feathers in battle. ("*C'est un vieux routier qui a plus d'une fois perdu sa queue à la bataille*"). He has many times been victor and vanquished in turn. He must certainly understand electioneering matters. Has he been chosen for that reason? It is so reported. Although this sort of talent is very useful on the eve of an election I do not so regard it in the least. I do not believe that Mr. Freret and his political associates have understood the real part he should take within his party. He has no place in the Senate. At most, his place is in the House. He has not that counterfeit mien of talent, nor that commonplace instruction, which constitute the baggage of most of our ambitious ones. He has just the right degree of native intelligence, of that aggressive energy, of that vulgarity of the more acceptable sort, which make of him at election time an influential and happy leader.

*Mr. James P. Freret was of mixed English and French descent. His father was an English merchant who settled in New Orleans early in the century, and married a creole lady. He served for several years as sheriff of the Parish of Orleans, and was an efficient as well as popular official—Kendall, History of N. O. 1-150-58.

He is of tall stature and well formed. His countenance impresses one favorably at first glance. He is without ceremony among friends, and frank with those whom he suspects of being his enemies. He speaks our two languages with equal heedlessness. I would willingly hold him out as a model alderman to those who aspire to municipal honor. Within that sphere I prefer him to many others. I am certain that he is a business man, and if I may judge by his gray hairs, one of experience. He is possessed of sense, when not bereft of it by anger. He is active, zealous, conscientious, has the appearance of a good man; beyond any doubt and he is an honorable one.

* * * *

II.

M. M. REYNOLDS

(*Courrier*, Feb. 8, 1847)

Translation by R. W. COLOMB

There, is a man; and if you will permit it, I shall add that, he is maybe, too great a one for the post which he covets.

Alas, alas! What is a Senate in these days of ours? Is it the things which descend to the level of men; or, is it the lessening of men, which brings about the lessening of things?

Children pretend that a cage is changed accordingly as the nightingale sings, the warbler hums, or the sparrow chirps. What I have to say here about one of the favorite candidates would in all other circumstances be very unbecoming. But I dare to think it, and also to write it with greater assurance since people are agreed in saying in a whisper that Mr. Reynolds is the superior among those who are entering the lists for the Senate. You will admit, Sir, that real strong men have not presented themselves this time; it maybe that they were turned away intentionally.

It would appear that both parties with one consent, only wish to put forward their lieutenants. Those who judge Mr. Reynolds by the newspaper reports must singularly deceive themselves about his character. You know that popular illusion which brings everyone to picture himself a man according to his writings, his speeches, or the part he plays in the world. As soon as your candidate entered the council of the Second Municipality, he set himself up as the leader of the majority; and

this body lent itself to his pretention with right good grace. From that moment, the enemy's batteries did not spare him; and frankly, for 8 months almost, he has had to take some awful thwacks, the opposition being well disciplined, and ably led.

Mr. Reynolds' band being made up of recruits only, this rude schooling has been hard; but not without utility to him. He fought boldly, and his success is a legitimate one. He made his hand—got his hand in—as the saying goes, and established his reputation. How he must in conscience rejoice today, over the violence and rebuffs with which he was often assailed; when one comes to think that to them he probably owes his diploma as a great man; and that the exalted candidacy which he holds at this moment, is a gift from his enemies as well as from his friends.

Mr. Reynolds is a man of medium height; he has regular features, and on them are signs of great confidence. He looks younger than I believe he really is. Like all men of his race, he expresses himself with a certain facility, but has none of the orator's qualities. He has not yet taken his place at the bar. I fear he will never succeed in permanently fixing it; that would require more study than he now devotes himself to, maybe, a greater talent than he possesses. He has energy, perseverance, and aptitude for business, all in a very marked degree. With these qualifications, he will often attain his ends.

* * * *

III.

ISIDORE LABATUT¹

(*Courrier*, Feb. 8, 1847)

Translation by R. W. COLOMB

In one of your articles, I do not know which one, you say that you had but little to say about Doctor Labatut. Upon my word, it is the same with me. He has been an alderman some

¹Isidore Labatut born 16 of April, 1793, son of General Jean Baptiste Labatut (who commanded troops in this city during the battle of New Orleans, January 8th, 1815). His mother was Marie Félicité St. Martin. He married Caroline Urquhart. He left N. O. at the age of ten and went to college at Pontvoix, France, then he went to Montpellier, France, to study medicine where he graduated; then he went to Edinburg, Scotland, where he received his diploma as an oculist. During the siege of Paris at the time of Napoleon the 1st, he, with the other medical students, attended the wounded. On his return to New Orleans, he practiced medicine. He was the first native born Louisianian to practice medicine here. He held several important positions, amongst them was administrator of the University of Louisiana in 1852. He died August 2, 1890, at the age of 97 in the home he had built when he married and which he never left. He was born opposite the house where he died.—Editor.

times, and a doctor all his life. You will agree that this is fine for a private individual, but not for the candidate.

If, however, as I have heard it related, we have reached a time of political shamelessness, where men of pure heart and right mindedness remind us of the ship-wrecked sailors of antiquity in Virgil—*rari nantes in gurgite vasto*²—Dr. Labatut's election would assuredly be a stroke of good fortune.

Other candidates could throw out a beam more dazzling and of greater brilliancy; his ray shines with the soft lights of a man of sense and integrity.

He will never carry into the midst of the Senate any of those extravagant political passions, none of the scandals from without.

There is no citizen more honest, and less eloquent. There will probably not be any more conscientious Senator and none less boisterous.

If he combined with his experience and honesty, a little of that moral force so essential to the public functionary, the gossipers would probably fear his silence.

I am sure that he will retire from the posts of honor just as he entered them—without having won many laurels, it is true, but without having sustained any loss in those high places which are so surrounded with illusions, so beset with temptations.

* * * *

IV.

FERGUS GARDÈRE

(*Courrier*, Feb. 8, 1847)

Translation by R. W. COLOMB

It would not be difficult to draw up the balance sheet of Mr. Gardère's public life, if any one determined to undertake the task. He was a member of the House for one session; he is now a candidate for the Senate. I do not know if he desires to be made a Senator, or if he seriously wishes to become one. He has not the stuff in him out of which legislators are made. He is said to be a good accountant—if that be sufficient, he might be a useful inside active working member of the finance committee.

²A few swimmers here and there in the vasty deep.—Virgil.

He is sparing of words, and possesses sound judgment. I can assure you that these are precious qualities, and which are growing conspicuous by their absence.

Mr. Gardère is a most popular member of his party in New Orleans. It seems to me that he should take advantage of his popularity to take his place and make himself really useful. He is not fitted for the legislative department. He would be better suited for the administrative. He would make as sorry a figure today in the Senate, as he did some years ago in the House. In a municipal council, however, he would be of real worth.

Why seek places from which neither glory nor interest will be derived; which often strike with sterility, capacities which, although incontestable, lack aptitude. It is true that this tendency of human nature reveals itself everywhere; and Talma the great tragedian holding his glory cheaply, aspired only to that of comedy.

Our city councils, more than ever, need men of the caliber of Mr. Gardère. Men of sense, who understand their duties, who can listen, and think, who proceed with propriety, who seek the good. In a word, real administrators. Imagine a few men like those occupying the aldermanic seats of our municipalities, and see the results from here.

* * * *

V.

RANDELL HUNT*

(*Courrier*, Feb. 13, 1847)

Translation by R. J. USHER

You were a little hasty, Sir, when you said the other day that you regretted that I had not attempted to sketch all the candidates who are now before the public. Why would I forget those whose sketches are yet to be done if others have not escaped me? You added, if I am not mistaken, that it was easy to see that my sympathies were on the side of your candidates. Now why did you say that? Have I flattered them without suspecting it? Certain people, however, do not think as you do on the subject, If I understood your reservations as stated yesterday. I myself

**The Hunt Family*, La. Hist. Qy., Vol. 5, July, 1922, p. 342.

believe, Heaven forgive me for saying it, that people see a political motive in my sketches. The compliment, coming naturally from your political friends, is not flattering to you, you must admit. As for me, if I had wished to make political caricatures for the benefit of this one or that one I should have proceeded otherwise. Neither you nor I deserve so much honor nor so much indignity.

Mr. Hunt, I say to you frankly, is one of the men who will give solidity to any election with which he is concerned. He is strong minded, it can not be denied. I am pleased to discover in him brilliant and useful qualities. At the bar, as in politics, I am safe in saying, he is an eminent man. He is an orator but an imperfect orator. I am far from praising his eloquence. His phrases are pompous, affected; his speech is slow though sure; he abounds in words, fine, clever, brilliant words, but his thought is often lost in these useless words.

How far all this is from true eloquence! Eloquence is a word much abused in common speech nowadays. As soon as an individual speaks he is proclaimed an orator, often boastingly. The great orator and the great general should be nearly perfect men. They need the power to tell at a glance with whom they are to be concerned; they need spontaneity to be ready for all the world; they need competency to direct their ways aright. Many other qualities are needed, sir, which certain orators seem not even to be aware of, qualities which if known to them would reveal the secret of a large part of their failures. If it were only possible for him to abandon his stilted or artificial style.

Mr. Hunt does not speak directly to his auditors; he goes over their heads. He disdains walking, he prefers to soar. He envelops himself continually in an armor of metaphor which gives rise to the belief that he is occupied much more with himself than with his subject. He proceeds readily enough by making comparisons, but his comparisons bear the imprint both of his good qualities and of his defects. I believe, Sir, that true superiority should not condescend to the use of exaggeration. Mr. Hunt speaks always in a lofty tone; he never descends to common language. There are, however, moments when the orator ought to speak simply, so simply that one would say he chats. This is the great secret of those men who when they are carried away by their subject grip one and carry one along with them. Often in listening to Mr. Hunt I am led to regret that this secret is still

unknown to him. He has warmth but it rouses you without carrying you away; he has movement but this movement is not rapid; it is halted by the slowness of his speech. If his thought spouted out with more fury, if he did not hold continually to the monotonous diapason of a crooning witch Mr. Hunt would certainly be a powerful tribune.

What I have just said of his oratorical style will tell you doubtless what he is at the bar. He occupies there a distinguished place; I can say that he is one of a small number of those whose renown places them in the first rank. As lawmaker he has already given proof of his capacity in the Legislature. He has always shown himself there not only a skillful antagonist but also a man of initiative. Nevertheless I ought to add that he speaks much more as a lawyer than as a statesman.

* * * *

VI.

THOMAS H. HOWARD

(*Courrier*, Feb. 23, 1847)

Translation by MISS McGEHEE SCHOOL

Mr. Howard's name now appears for the first time in political circles. It is to be desired that all the new names which allow themselves to be elevated to the highest honors, be of the same type. This name comes to us with all the freshness of a young, modest and vigorous talent. It is not yet encircled with a halo of renown, but it is greeted by almost general interest frankly expressed.

Mr. Howard is Mr. Hunt's rival candidate. Please permit me to say that he confronts a difficult problem. Mr. Hunt has a talent which has won him renown. Mr. Howard, on the contrary, has a more modest talent (ability) and awaits the hour which is to come. But in a progressive century, you are well aware that the known is always less attractive than the unknown. On the other hand, I scarcely know why, Mr. Hunt's style (of oratory) shocks, it is too personal.

Mr. Howard is not an eloquent man. He writes much better than he speaks. Why attribute to men qualities which they have not when justice can be rendered to them in another field?

Friends who, in a moment of enthusiasm, decorate us with undeserved honors are not helpful (awkward friends). Mr. Howard is an esteemed lawyer. I add with pleasure that he is generally popular. He seems courteous and good-natured. His personal appearance is good, he lacks an air of distinction. You may tell me that a Democrat does not need it. I will answer you with Montaigne¹ "I do not know."

They say that the Muses are not strange to Mr. Howard. He is, therefore, a poet. So much the better. That never harms a lawyer. I do not agree at all with those who imagine that lawyers and doctors must shut themselves up in their profession as in a cloister, that there, they must bristle with science and even go to sleep at night in severe austerity. Remember, Sir, that Newton found the time to make a commentary on "The Apocalypse."

* * * *

VII.

BENJAMIN FONTENEAU

(*Courrier*, Feb. 13, 1847)

Translation by URSULINE CONVENT

Although young, I cannot say that Mr. Fonteneau is a new personage in politics. He has now launched out on his third candidacy. Elected a first time, he was less successful in his second attempt. We shall soon see what will be the outcome of his third endeavor.

I can scarcely predict the role which awaits him in his political career. If my memory fails me not, I recollect that a protracted illness prevented him from being present at the Legislature, at the time of his election two years ago. I sincerely regret it for his sake; because if he is gifted with incontestable talent, as you were saying the other day, he could then have revealed himself in a more characteristic manner than he has done thus far at the Bar. I would like to be mistaken, Sir; however, I have noted the fact well and often—Mr. Fonteneau evidently lacks a classical education. His intellect is sprightly and brisk, his imagination somewhat fickle, and his judgment is the result

¹Michel Eyquem Montaigne, celebrated French philosopher and essayist, 1533-1592. His essays were printed in all tongues.

of common sense rather than of deep reasoning. He has more shrewdness than cunning, more cunning than art. A something almost similar to that which takes place in animal magnetism; it would seem as though he feels his adversary drawing near even before seeing him. He has boldness and an imperturbable audacity which never leave him; in a word, he is endowed with all the qualifications requisite to achieve success at the Bar. His elocution is fluent, sometimes felicitous, sometimes incorrect. He speaks French only tolerably well; he is much more familiar with the English language. His friends, and he has sincere ones, would like to see him take his future seriously.

* * * *

VIII.

CHARLES FORSTALL

(*Courrier*, Feb. 13, 1847)

Translation by URSULINE CONVENT

It can hardly be said that Mr. Forstall is a young man; he is in the full vigor of manhood. Yet he is a new figure in politics and I know not under what aspect to view him. He is a pleasing character, polite, refined, and, I think, even popular. A genial companion among his friends, he is loved and sought after; courteous and gay in social circles, he was for a long time, one of the heroes of our fashionable world. Now, you see, with a light and resolute step, he is leaving that world so full of illusions and serenity, to embark on the stormy sea of politics. Alas! What is he going to do in that galley? Might it be, perhaps, that Mr. Forstall feels old age creeping upon him? He is not such a devil, however, that he should be absolutely compelled to become a hermit in his declining years. But, after all, he is entering public life of his own accord, and, moreover, is going about it in a way which I like. He is stepping before the people as an independent candidate. This is risky, is it not? It gives you an idea of the man. It is not he, I can assure you, who will shrink from his own shadow or recoil before danger. *Audaces fortuna juvat.* (fortune favors the bold). Let Mr. Forstall beware of that Latin axiom.

IX.

PIERRE SOULÉ¹

(Courrier, Feb. 23, 1847)

Translation by ETHEL W. USHER

Election days are here, as always, I suppose, days of prestige for many men. Unknown the night before, mediocre or superior, they seem to rise suddenly to the pinnacle of human greatness. They are like the sky-rockets set off by men expert with fire-works which must inevitably describe their parabola. They go up, up always, and, seeming to pierce the skies, burst forth into a blaze of light, then drop all of a sudden and disappear into obscurity. The candidates are not half-conquerors. They vanquish everything. They mount to the heavens, if there are votes enough to take them there. With parties, one cannot ignore the fact, it is always better and better—it is always a greater star that is projected into the circle already resplendent with luminaries. It is true that if the radiance of the star is questionable a lamp may be put in its place—that will suffice.

In writing my first sketches I could not, without irreverence, close my eyes to political will-o'-the-wisps. I have therefore accorded them my first attention. I am far from regretting this. Perhaps I might have said more if I had not feared that it might be imagined that political opinions were the mainsprings of my sketches.

After the men who aspired to power I pass naturally to those who have it. In this respect the name which is at the head of this sketch deserves first place. The man who bears it is

¹Soulé, Pierre, lawyer, statesman, diplomat. A native of France. Born at Castillon near Bordeaux in September, 1802.

He was educated in the Jesuit College at Toulouse and Bordeaux.

Becoming involved in a conspiracy against the Bourbons he fled to the Pyrenees, where for a year he followed the occupation of a shepherd boy.

In the year 1826, he went to Haiti, and from there to the United States. He worked as a gardener at Bardstown, Ky., until he had learned the English language, when he took up the study of law. He became associated with a New Orleans law firm, and by his eloquence and analytic power of mind won renown as a trial lawyer. He was elected to the Louisiana State Senate and also to the U. S. Senate.

He frequently crossed swords with Webster and Clay in debate. President Pierce appointed him minister to Spain. He fought a duel there with the Marquis de Turgot, the French Ambassador, severely wounding him.

He opposed the secession of Louisiana, but after the ordinance was past, he cast his lot with the state and was sent to Europe as an agent of the Confederacy.

It was Mr. Soulé who dictated the mayor's reply to Admiral Farragut's demand for a surrender of the city.

He served on the staff of General Beauregard, and was made a brigadier general in the Confederate Army "for special services."

He died in New Orleans, March 16, 1870.

(From Fortier's *Louisiana*, p. 472-474).—R. W. C.

spoken of in politics, at the bar, in the drawing room; everybody knows him. He has, without a possibility of contradiction, one of the best reputations in the country. This reputation is not due at all to his wit. I do not think, even, that he has any, or rather, he does not wish to have any. He seems to disdain it; he prefers to dominate in a larger way. Eloquent, he speaks with an authority which no one can deny; by his superior intelligence he makes an impression on some; by his big heartedness he draws others. There, if I am not mistaken, lies the secret of this eminent man of renown.

As a naturalized citizen he has arrived at the peak of political honors. You know that the federal constitution does not allow naturalized citizens to go beyond the senatorial chair which Mr. Soulé occupies at present in Washington.² He is assuredly among his peers there, but as a man of words I fear that the brilliancy of his talents may be dimmed by the difficulties of the English language. I have often heard Mr. Soulé plead indiscriminately in one language or the other—in English he is always an able lawyer—in French he is a great orator.

In him are found the three cardinal faculties which form a complete head. Perception, comparison, idealism—or if you prefer, thoughtfulness, judgment, sentiment. I might as well tell you that I believe a little in phrenology. However, it is not from the shape of the head of the celebrated orator that I have been impressed with these faculties. It is from his discourses. His analysis, with its sharp, clear-cut points; his synthesis, with great oratorical effect; skill with daring; reason with all its vast superiority; art with its illuminating experiences; imagination with all its magic, I might even say with all its faults. All that hardly describes the various facets of the talent of Mr. Soulé.

If, in addition to these brilliant faculties of the mind I should tell you of the dramatic voice, of the orator's countenance so mobile and so imposing, you would see that we have here a being cast in no ordinary mold.

"No person shall be a Senator who shall not have attained the age of 30 years, and have been 9 years a *citizen* of the United States, and who shall not when elected, be an inhabitant of that state for which he shall be chosen."—R. W. C.

"No person except a *natural born citizen*, or a citizen of the United States at the time of the adoption of this Constitution shall be eligible to the office of President, neither shall any person be eligible to that office who shall not have attained to the age of 25 years, and been 14 years a resident within the United States."—R. W. C.

I have a suspicion that there are a number of people firmly waiting for me to reach the obverse of the medal. I dare say that if I should serve you a dish of epigrams I should delight certain persons. Unhappily I am not able to satisfy them. Mr. Soulé offers little opportunity for malice. However, regarding him closely I might find some fault with his gestures, which are often too hasty and sometimes useless; with his phraseology, which flows along too slowly and majestically; with his arguments, which in the heat of battle scorch rather than enlighten. But at the same time, Sir, it is necessary that I tell you that I have a fanatacism for Reason. From this viewpoint I perhaps condemn too rigorously anything that appears to me unorthodox, and the best proof of the injustice of my severity is that I often find myself regretting certain passages of Mr. Soulé's popular speeches at the very moment when the applause of the crowd resounds around me.

I put the pleadings of Mr. Soulé infinitely above his speeches. The higher man is really more at ease there. You recognize, Sir, the masterly intelligence of Calhoun, and yet he never made a stump speech. Mr. Soulé is certainly not at a loss in making such a speech. He has an ardent nature, the spirited temperament of a demagogue. But according to my way of thinking, those who have only seen him there are ignorant of the true power of his talent.

Great civilian, great criminologist, he knows all the honors of the bar. There is in his manner an eminently philosophical tendency which strikes the serious minds at the same time that the crowd is enchanted with the Orientalism of his form. He possesses the supreme tact of touching at times the golden string of the heart. When he wishes to support some new doctrine of doubtful mien, he traces back carefully to the most distant abstractions in order to find some reassuring premises. He always improvises. However, you understand, the improvisations are sometimes premeditated, sometimes sudden. I have often remarked that the eloquence of Mr. Soulé had a simple beauty, more striking, more profound when it was spontaneous, surprised suddenly, one might say, free from the bonds of forethought and calculation which ordinarily precede great orations.

He is one of our happiest lawyers. He succeeds when many others, even the very smartest, would have failed. Is it success or simply good luck? Does he owe it to his lucky star or to his fine talent? My faith, Sir, I tell you frankly that if there is a

tutelar star which watches over his destiny I know it, for above all the grandeur and all the magnificence of the human spirit there is a quality which I would call supreme, something which is felt and communicated gradually without effort, which acts, one might say, like an invisible river of magnetic force—his star—it is his goodness.

He owes the constancy of his success as much to his character as to his talents.

* * * *

X.

ETIENNE MAZUREAU*

(*Courrier*, Feb. 23, 1847)

Translation by R. W. COLOMB

Before passing on to other men who bask in the sun-light of power, I must pause before the solemn and celebrated name which I have just written. Retired for some years from the sphere of high influences, Mr. Mazureau possesses nevertheless, that power of eloquence, that authoritativeness of a great name, which enables one to imagine the brilliant career which his must have been. However deep his present retirement, we know that he can come out of it, and again make himself admired.

If you have traveled, Sir, you have probably met on your route some of those sun-crowned rugged rocks. In their fleeting splendor, they appear in all of their austere grandeur—a symphony in iridescence—and those Titans of matter really seem to menace Heaven. When Mr. Mazureau stands at the bar, the luster which he irradiates reveals all of the wealth of his organ-

*Mazureau, Etienne, a native of France, was one of the leading lawyers of Louisiana during the early days of statehood. He served as a member of the general assembly and was for many years attorney-general of the state. In politics he was an ardent Whig, and in the campaign of 1840 he and Sergeant S. Prentiss were the favorite orators of that party in Louisiana. It was largely due to their work on the hustings that the electoral vote was given to Harrison and Tyler. As an orator he appeared at his best in his native language, though he excelled as a speaker in English. In 1847 was published in New Orleans a little work entitled "Sketches of the Bench and Bar," in which the author pays this tribute to Mr. Mazureau's character and ability: "Mazureau both as legislator and advocate has his name connected with the history of our state. As attorney-general, Mazureau has not yet seen his superior in Louisiana. Appointed to this post by several successive governors, he seemed to hold by a certain prescriptive right the high office to which he brought a talent and industry that will ever entitle him to the respect and admiration of his contemporaries." (Fortier's *Louisiana*, Vol. II, 140). See Mazureau's Historical Oration on Judge Mathews and Dart's paper on same, *La. Hist. Qy.*, IV, January, 1921, pp. 149-188.

ism, and at times one would think that he would launch again his thunders.

I have always liked his style of oratory, especially when it is easy and unconstrained. His, is not a colorful style, but nervous, incisive, and strikes like a blade of steel. Metaphors are his antipathy. Each time that he has used them, I thought I perceived it was through irony. His discourse lacks the indescribable something that dazzles; warmth, and the shudder which you feel elsewhere; but they are almost always incased in the invincible armor of a transcendent reason. His voice is deep, sarcastic, imperious; it is only to assume a tone of disdain, that it consents to drop its assumption of that of command. He is sparing of gesture, but appropriate though ungraceful in the use of it; he is at times so audaciously energetic, that one would think he was about to carry away the chamber, which resounds his anathema. His talent is sober, and vigorous, he is of bold faith, braving the tempests not with the ambition to add to their sublimity, but with the certainty to remain standing on his feet like an impregnable colossus.

His method would be perfect, did he not allow himself to drift needlessly into endless digression (*ad infinitum*). But however long his promenades to the right or left, he never overlooks the point at which he dropped the discussion, and he returns to it with inexorable exactitude. In his hands, sarcasm becomes a mighty weapon; his logic bristles with stinging thrusts. His arguments are usually of an implacable nature; the orator concedes nothing; but if he is pressed home, he loses much of his great power and becomes bitter to excess.

Mr. Mazureau held for a long while some of the highest offices in the state. He was Secretary of State under Governor Villeré, and performed the elevated and intricate functions of the Attorney General's Office during 10 or 12 years, with a brilliancy which seems no longer to be in fashion these days. I am one of those who have always regretted the absence of this great lawyer from a sphere wherein his eloquence resounded with such glory to himself, and was of so much utility to the state. Of all the attorneys general who have succeeded to that office since the withdrawal from it of Mr. Mazureau, not one of them has caused us to forget him and we hold him in continual remembrance. I can assure you that he was a good and formidable magistrate, a tireless fighter, sure of his rights, hating crime, loving justice, tempering the rigors of the letter of the law with

a reasoned spirit of mercy; his only fault was that his speech became envenomed too easily in debate and that he allowed the storm clouds of battle to envelop him and carry him afar and beyond even his own wishes.

Mr. Mazureau is a man of great erudition. But like a sensible one he refrains from showing off. I share his opinion that it is only the half-learned who are ostentatious. Among close acquaintances his conversation is witty; his talk always rational. He is a willing story teller; it is a pleasure of his to take a part in the casts of most of his playlets; and this natural tendency of mind often requires him to undertake journeys unwittingly.

I conclude by repeating that, for such a man to dedicate himself to a barren and premature seclusion is a real loss. Were I honored with his friendship, I should say a word to him with which he must be familiar:

Fame imposes obligation.

(To be Continued)



**INSTALLATION OF DE KERLERIC AS GOVERNOR OF
LOUISIANA, OF DE MEMBREDE AS KING'S LIEUTENANT,
AND OF DE BELLISLE AS TOWN MAJOR OF NEW
ORLEANS, BEFORE THE SUPERIOR COUNCIL OF
LOUISIANA AT NEW ORLEANS,
FEBRUARY 6, 1753.**

**Translated from the Original Record in the Archives of the Superior
Council of Louisiana**

by
Heloise H. Cruzat

NOTE BY THE EDITOR OF THE QUARTERLY

WE HAVE heretofore printed documents of similar import to the one here presented relating to predecessors of the officials who were installed on February 6, 1753. (See *Politics in Louisiana*, 1727, Inauguration of Governor Stephen Perier, *La. Hist. Qy.*, V, 298, July, 1922; Inauguration of Governor de Vaudreuil, 1742, *La. Hist. Qy.*, VI, 568, October, 1923; Induction of Le Normant, Commissaire Ordonnateur, *Ibid.*, 573; Induction of Councillor-Assessor Pasquier, 1737, *La. Hist. Qy.*, X, 68, January, 1927; Induction of McMahon, Councillor, 1730, *Ibid.*, 529). The purpose of this procedure has been treated by us in the papers indicated above and it is scarcely necessary to add that all such documents are valuable historical material, furnishing as they do dates and data for the history of this particular feature of French Administration in Colonial Louisiana. To this extent we are filling gaps heretofore existing in the sequence of local life.

We learn from this Session of the Supreme Council, printed herewith, that de Kerleric received his Commission (Letters Patent) from the King April 1, 1752, and that a period of ten months elapsed before he reached Louisiana to assume the duties of his office. We also learn that de Membrede became Lieutenant in February, 1753, an office that Gayarré and other historians affirm was the equivalent of Lieutenant Governor, but we have not so far found anything in our records showing that a Lieutenant ever actually exercised such functions. We learn also that de Bellisle became Town Major of New Orleans at the same time,

an office that by its title would seem to be somewhat analogous to our present-day Mayor, but here again we have no actual knowledge of the powers and authority of the Town Major. We might have been enlightened on all these matters had the Commissions of these officials remained in our archives.—H. P. D.

Fst. page.

Fst.

1753.

Feb. 6.

Reception of MM. de
Kerlerec, de Membrede
and Belisle.

1 ½ pp.

"On requisition
Raguet (paragraph)."

On this day, sixth of February, one thousand seven hundred and fifty-three, the Superior Council of the Province of Louisiana, assembled and composed of MM. de Vaudreuil, Governor of the said Province; Dauberville, Commissioner of the Marine, exercising the position of Ordonnateur; De Membrede, Major; Raguet, Dean of the Councillors, exercising the position of Procureur General of the King; Le Bretton, de La Lande, Kernion¹ and La Freniere, Councillors Assessors.

Having gone to the ordinary Chamber where are held the sessions of the said Council, for the reception of Monsieur de Kerlerec Governor of the said Province in stead and in the place of my said S^r de Vaudreuil, after having presented his Letters Patent,² dated April 1st one thousand seven hundred and fifty-two, which he required to be registered, on which the Council deliberating, having heard the Procureur General of the King ordered that said Commission be read and recorded in the Registry of the Council. This done, in that moment said S^r de Kerlerec was installed in stead and in the place of said S^r de Vaudreuil.

Given in the Council Chamber at New Orleans on the aforementioned day, month and year and have signed.

Likewise deliberating on requisition of said S^r de Membrede, former Major.

Having seen the King's list, the Council has received and receives him as Lieutenant of the King, in this quality for rank and sitting.

Having seen the petition of M. de Bellisle, the conclusions of the Procureur General of

¹In the text written "Kxnlon."

²In the text "Lettres de Provisions."

the King, the Council has received and receives said Sr de Bellisle as Major who took his rank and sitting and have signed.

Given in the Council Chamber the aforementioned day, month and year.

Signed: Vaudreuil Kerlerec
Dauberville (paraph)

Membrede Bellisle
(paraph). (paraph).

Delande Le Bretton (paraph).
(paraph). Huchet de Kernion (paraph).

TEXT

Pre page

pre
6 fevrier 1753.
Reception de MM. de
Kerlerec, De Mem-
brede et Belisle.
1½ pp.

"pour Requisition
Raguet (paraph)."

No. 1335.

Aujourd'hui sixieme fevrier mil sept Cent cinquante-trois de Relevée Le Conseil Supérieur de La Province de la Louisianne assemblé Et Composé de Messieurs de Vaudreuil Gouverneur de la ditte Province, Dauberville, Commissaire de la Marine faisant les fonctions dordonnateur, De Membrede Major, Raguet Doyen des Conseillers faisant Les fonctions de Procureur General du Roy—Le Bretton, de la Lande, Kxnion et La freniere Conseillers Assesseeurs.

SETant transportés dans la Chambre ordinaire ou se tiennent les Seances du dit Conseil pour la Reception de Monsieur de Kxlerek—Gouverneur de la ditte Province au Lieu Et Place de Mon d^t Sr de Vaudreuil, apres avoir representé ses Lettres de Provisions En datte du premier avril mil sept Cent Cinquante deux dont il a Requis LEnregistrement, sur quoy delibérant Le Conseil ouy le Procureur General du Roy— a Ordonné que Lecture sera faite des d^{tes} Provisions Et quelles seront

Enregistrées au Greffe du d^t Conseil. Ce fait, à Linstant Mon d^t Sr de Kxlerek a Ete installe au d^t Conseil au Lieu Et Place de Mon dit Sieur de Vaudreuil Donné En la Chambre du Conseil à la N^{le} Orleans le susd^t Jour Mois et an Et ont Signe—

Deliberant Pareillement a la Requisition de mon Sr de Membrede Cy devant Major,

2^d page

Vu La Liste du Roy Le Conseil La Recu Et
Recoit Lieutenant du Roy En Cette qualite
pour Rang Et Seance——

Vu la Requete de M^r De Bellisle—Les Con-
ons du p^r G^{al} du Roy Le Conseil a Recu Et
Recoit mond^t S^r de Bellisle Major Et a pris
Rang Et Seance—Et ont Sign.

Donne En La Chambre du Conseil Les
suds^s Jour mois Et an.

Signed: Vaudreuil-Kerlerec

Dauberville (paraph).

Membrede

(paraph)

Delalande

(paraph)

Bellile (paraph)

Le Bretton (paraph)

Huchet de Kxnion (paraph).



THOUGHTS, VISIONS AND SKETCHES OF NORTH LOUISIANA

By LUTHER LONGINO, M. D.
Minden, La.

A North Louisiana book by a North Louisiana writer

Reviewed by

J. FAIR HARDIN

Editorial Staff, Louisiana Historical Quarterly

THERE is perhaps more of the romantic, more of the dramatic in the history and the legends of New Orleans and of the southeastern section of the State, which to many is the only meaning that the term "Louisiana" holds. But among the rather numerous present-day Louisiana books, some good, some bad and many indifferent, which appeal for popularity upon somewhat doubtful authenticity of characterization of certain of our racial groups, or rather highly colored picturization of locale, of the somewhat overworked themes of "levee" life, "muddy water," "languid swamps," and other such material, not to mention the much-varied and none too historically accurate presentation of the "Lafitte motif" and gambler-roué-type which causes us sometimes to pause to wonder if writers can conceive that there were ever any really honest working men in New Orleans "before the war," it is a little refreshing to read a perfectly frank and honest book about North Louisiana, by a North Louisianian who prides himself on being a country doctor, and from whom we learn that there are, after all, some pine trees in Louisiana, and some hills that even "Old Man River" cannot cover, and places where we may perhaps escape even from the sound of banjo and crooning lullaby.

Such a book is "Thoughts, Visions And Sketches of North Louisiana," by Luther Longino, M. D., of Minden, that cultured capital of Webster Parish, a book dedicated to the "memory of those pioneers and patriots of North Louisiana who built homes, fought wars, espoused the cause of religion and education, gave us this goodly heritage, and made North Louisiana history". Doesn't that dedication itself have a somewhat refreshing ring? As though we might be turning over a page recounting a few fundamentals of human endeavor such as home-building, fighting

battles, indulging in a little religion and education for a change, rather than wholly disporting ourselves at smuggling, pirating, fancy sword-play, fancier card play, foot-shufflin', levee-mending and miscegenation.

But do not get the idea that this is a puritanical book, for it is not. Its four divisions, "Reveries," "Educational," "Religious" and "Historical" contain a series of interestingly and well written essays on related subjects, in which Dr. Longino gives us his thoughts, generally charmingly expressed, as he has ridden over the red hills and pine forests of North Louisiana, and in which he has recorded incidents and history of places that have gone to make up the splendid record of the Anglo-Saxon civilization of North Louisiana.

It is the "Historical" section, two thirds of the some three hundred-odd pages, that readers of the Quarterly will find of special interest. Here Dr. Longino has given us a picture from personal experience of stage-coach travel over bad North Louisiana roads in the period of the late seventies; or a North Louisiana ante-bellum "hill" plantation, perhaps not as artistic as those, invariably moss-draped, behind the levee, but none the less an integral part of the economic history of Louisiana; of early steam-boat and keel-boat traffic on Dorcheat before the coming of the railroads, so typical of the navigation of North Louisiana bayous, with their sudden and frequent changes in water stage, so foreign to the streams of the coastal country; of the community of Arizona, that magnificent and courageous experiment, doomed to failure, of cotton planters in cotton-mill operation, in the post-civil-war period, and of the impressive monument to it still standing; of Germantown, that interesting colony of socialists who migrated to North Louisiana from the fatherland in 1835 and established, amid many vicissitudes, a unique community, now disintegrated, like the "German Coast," but leaving its impress upon its region; of Mount Lebanon, that Athens of North Louisiana, now almost deserted, from which went forth teachers, doctors, lawyers and preachers to spread the leaven of its influence throughout this and adjoining states; and of other schools like Mount Lebanon University; of Overton, that utterly vanished former capital of Claiborne Parish; of Fillmore, now a cross-roads filling station in Bossier Parish passed unnoticed by hundreds of motorists on the Dixie Overland paved highway, that at the outbreak of the Civil War sent an entire

company to the front; of Yellow Pine, one of those "ghost towns" of the lumber industry, so many of which have risen, flourished and vanished just within the past three decades. This is the first instance that we can recall in which the typical saw-mill town, with its glamour and its unloveliness, has been preserved in the literature of the State. Old Minden, with its legends and its memories, is contrasted with New Minden, as typical, and truly so, of the best in modern North Louisiana municipal achievement. He sketches especially the effect of railroad location on the growth and destruction of towns, an effect probably felt far more in North Louisiana than elsewhere in the State. Although only the four Parishes of Bossier, Webster, Claiborne and Bienville are touched upon, yet one gathers the impression that this is a history not of local communities, but of an epoch and of a people.

Attractive description is interspersed with interesting narrative, and of monotony, false color, shabby sentiment or "trick writing" there is none. Some paragraphs are undoubtedly pedantic and the "note of sadness" is perhaps overemphasized at times, but though this is Dr. Longino's first book, it has surprisingly few errors of style or diction. The interest and value of the book is increased by numerous good reproductions of old pictures. The rarity of North Louisiana writers and of treatment of these subjects alone would give interest to this book, but the author wins respect and holds interest on the merit of his work. To those Louisianians, unfortunately many, who are but dimly aware that Louisiana possesses a culture and a history beyond the pale of the creole country, it is especially recommended.



EDITOR'S CHAIR

By Henry P. Dart

THE REVOLUTION OF 1876 IN LOUISIANA.

In the Quarterly for July we will begin the publication of a study of the Disputed Election in Louisiana in 1876. The purpose of the paper is not to adjudge the issues involved in that celebrated election but to restate without bias the facts preceding and succeeding the Louisiana State Election of 1876. Within these limits the story will prove to be as impartial as is humanly possible. A noteworthy fact is that it is written by a woman who was born more than ten years after the issue had been determined in last resort. It is our intention to follow this paper with another written by a man, who also was born long after the events he will describe. This paper will assemble the facts of the history of the White League which figured so prominently in the Election of 1876 and is often mentioned in Mrs. Bone's paper.

The approach of a State and National Election in 1876, found the Radical (Republican) party in full control of all the political machinery of the State. Efforts during 1873-74 and 75 to break this strangle hold had been paralysed by the intervention of General Grant, then President of the United States, and by his use of the federal troops. Here and there in the country Parishes, the Republican officials, white and black, had been driven out, or reduced to a mere sufferance, but as a whole the State was still a part of the Republican machine. The Conservative (or White) party believed that unless that party could carry the Election of 1876, the State would be plunged into a war of races. That black cloud had hung over the community for years, and occasional outbreaks as at Colfax and Coushatta, had convinced the white people of Louisiana that the negroes were determined to hold by force the political position in which they were now entrenched.

The Republican State ticket of 1876 added to the alarm of the white people because it had been nominated by a turbulent convention, dominated by negroes who had shown a disposition to take charge of the party and to dictate the ticket. The nomination for Governor went to S. B. Packard, a white Republican, who for years had held a federal office in New Orleans that had given him opportunity and power to enforce all the menacing national legislation of the period; a power which was ruthlessly

exercised, and the people of Louisiana had felt his heavy hand on more than one occasion. There was no doubt he had no love for the white people of the opposing party. The nomination was regarded by the Conservatives as a warning of what was to be expected should the federal government again intervene in the affairs of the State. The remainder of the ticket was not more propitious, including a negro nominee for Lieutenant Governor, and the same for Superintendent of Education. It was in effect a negro ticket, dominated by a candidate for Governor who was feared as heartily as he was detested by the rank and file of the Conservative Party. This ticket was regarded as a challenge to the white people of Louisiana. It brought cohesion and created a solidarity of purpose. It was felt that the time had come for all white men to act together.

The crucial problem before the Conservative party was as to the means and methods by which victory could be obtained at the polls. It was recognized that there were many good and substantial white men and women in the Republican party. These people were not objectionable to the Conservative Party, whose leaders on the contrary hoped to win some of them to its support. But people of this character constituted a very small fraction of the white Republican vote. The majority were office holders or beneficiaries of the party. These people had been charged with the conception and execution of all the schemes that had depleted the Treasury of the State and reduced the commonwealth to beggary. These white leaders controlled the negro vote and this was at that time equal to or probably in excess of the white vote. A division or control of this vote was therefore essential to success of the Conservative party, and even though this was successful, there remained to be considered the Returning Board that had absolute control over the returns of elections. This vicious and intolerable interference with the vote of the State was a Republican creation and its scandalous conduct in the past justified the belief that any Conservative success at the polls would be overturned by that body, which could not be reached by the Courts.

The policy adopted by the Conservative party in its State Convention was intended to meet the dangers that confronted the white people of Louisiana. The hot heads were brought into line and a ticket was selected headed by Francis T. Nicholls, a Conservative Democrat, whose policy was written into the party platform. This promised protection to the negro and a recog-

nition of his equal rights under the law. It appealed to all men, regardless of race, color or previous condition, to join in a supreme effort to shake off the incubus that had ruined the State. But all through these appeals ran the conviction that the State must be governed by people who had its material interest at heart and who could be relied on to relieve the general misery, reduce taxation and revive prosperity. The nomination of this ticket and the rally of the people to its support was also a notice to the other party that the dream of an African republic in Louisiana would never be permitted to be realized.

The election was a political revolution. The State went by an overwhelming majority to the Conservatives, but the Republican Returning Board did its duty and counted in the Radical ticket. Incidentally the Board counted out Tilden and counted in Hayes for the Presidency and this, fortunately for Louisiana, raised the delicate problem whose solution threatened the peace of the Union. Packard organized his government in the St. Louis Hotel (the State house of Louisiana) at New Orleans. Nicholls organized his in St. Patrick's hall in New Orleans. Grant furnished troops to protect Packard, but refused to recognize either State Government. The people of Louisiana reduced Packard's jurisdiction to the building in which he functioned. The Nicholls government controlled everything else, including the Supreme Court. But this all pervading jurisdiction would have counted as naught had Packard been recognized by Hayes and supported by the federal arms. The President, however, withdrew the troops from the State house in April, 1877, and the Packard organization fell to pieces. Its rank and file were rewarded with federal offices in Louisiana and elsewhere.

The Revolution of 1876 removed the menace of negro domination and the Republican party as it was constituted prior to 1876 ceased to function. The history of this great campaign has largely faded from the minds of the people. Half a century ago it was a life or death struggle, the greatest event in the history of the State after the Civil War. Like all movements of this character, it was marked by methods that laid it open to the charges hurled against it in the heat and doubt of the contest in Congress over the count of the State's Electoral Vote for President and Vice-President. The proper view of the campaign is suggested by the title to the paper. It was a revolution and history does not examine with too much nicety the methods by which a people shake off tyranny.

RECORDS OF THE SUPERIOR COUNCIL OF LOUISIANA L.

June-July, 1745.

(Continued from January, 1931.)

By HELOISE H. CRUZAT.

Marginal Notes by Henry P. Dart.

By the Editor of the Quarterly

List of Officials of Louisiana participating in the work of the Superior Council of Louisiana contained in this installment:

- | | |
|--|---|
| de Vaudreuil, Pierre Rigaud
Cavagnol, Governor | Fazende, Jacques, Councillor. |
| de Salmon, Edmé Gatien,
First Councillor and
First Judge. | Raguet, Jean Baptiste,
Councillor. |
| Le Normant, Sebastian
François Ange, First
Judge and Commissaire
Ordonnateur, successor
to Salmon. | Prat, Jean, Councillor. |
| Henry, Nicolas, Notary and
Clerk (Greffier.) | LeBretton, Louis Cesaire,
Councillor. |
| Fleuriau, François,
Procureur General. | Cantrelle, Jacques,
an employee. |
| de Noyan, Gilles Augustin
Payen, Lieutenant of
the King. | de Chanfret, Trenaunay,
Commandant at
Pointe Coupee. |
| Chantalou, Augustin, Sheriff. | Descloseaux, Jean Baptiste
Claude Bobe, Councillor,
Commissioner of the
Marine and Judge at
Mobile. |
| Lenormand, Marin,
Deputy Sheriff. | Potin, Bernard Louis, Notary
at Pointe Coupee. |
| De Benac, Etienne,
Town Major. | Officers of the Garrison in
New Orleans: |
| | de Gauvrit, Membrede,
Macarty, Maret, de Blanc
and Maret Delatour. |

June 1, 1745.

26602. 4015.

2¼ pp.

Exchange of plantations
between Ignace Broutin and
Nicolas G. Barbin.

ment of succession of Sr. de Vilainville, in exchange for six

Exchange of Land between Sr. Ignace Broutin and Sr. Nicolas Godefroy Barbin, Sr. Broutin ceding to Sr. Barbin six arpents of land on the river, by ordinary depth, adjoining land of said Barbin, which he acquired from Mr. d'Hauterive in settle-

arpents of land by ordinary depth, adjoining Sr. Broutin's land on the other side, said land partly cleared, acquired from Sr. Jonathas Darby. Act passed before Henry, Notary Royal and signed by Broutin, Barbin, Chantalou, Cantrelle, and Henry, notary.

Document charred in several places.

June 1.
27363. 4187.
21½ pp.

Will of Vincent Lepré, Captain of L'Hirondelle, now in the port of N. O. He disposes of property in Mobile and also of Deer Island where he has a plantation, cattle, and slaves. Among the latter a Pascagoula "savagess."

Nuncupative Will of Vincent Lepré, Captain of L'Hirondelle, now in this port, about to sail for Florida and elsewhere, who declared that he married Thérèse Boucher, a native of Canada, who died in Mobile two years ago. From their marriage there was one child, Marie Therese Lepré, now about five years old, that for protection of said minor's rights he purchased a lot and house in Mobile from

one Rochon for the sum of 500 livres, moreover Deer Island (l'Isle aux Chevreuils) was conceded to him by MM. de Vaudreuil and Salmon, where he has a plantation, a number of horned cattle, oxen, cows, bulls and heifers, also a negro, a young savage and a Pascagoula savagess owned by him, which property is to be remitted to his daughter at her majority and he names as executrix of his will and guardian and tutrix of the said minor, Catherine Allard, Widow Labbé, mother-in-law of his brother, Nicolas Judice, who will be her under tutor.

Signed: Lepré Vincent. Chantalou. Derneville. Henry, notary.

Document stained but in good condition.

June 3.
26618. fo. 28.
4017. 1 p.

Sale by Claude Avignon, to Abraham Pancarle, a German, of a lot No. 460 Toulouse Street, adjoining Sr. Taillefer on one side and Ferrand on the other, titles

in hands of Sr. Broutin. Said lot was conceded by MM. Bienville and Salmon, and is sold for the sum of 200 livres, which the said Sieur and his wife acknowledge having received in cash.

Signed: Avignon. Cantrelle. Chantalou. baumgan Liers. (apparently).

June 3.
26619. 1 p.

Avignon sells for 200 livres a lot on Toulouse street which he acquired by grant from Bienville, Governor, and Salmon, Ordonnateur.

July 15, 1740. Petition to Mr. de Salmon, Commissioner, Ordonnateur and First Judge of the Superior Council of the Province of Louisiana, by Claude Renault, called Avignon, to sell a lot, No. 460 Toulouse Street, situated between lots owned by Srs. Le Huvre and Ferrand.

Signed: Avignon.

July 15, 1740. Permit for sale after complying with formalities prescribed. Signed: Salmon.

August 1, 1740. Certificate by Sheriff Marin Lenormand that notices of sale have been published and posted and that no protest has been entered. Signed: Lenormand.

June 4. 3 pp.

See the petition of Mrs. Pery, May 24, 1745. Answer of J. B. Prevost, agent of Jean Jung, merchant and ship chandler of Bordeaux to the suit of Mrs. Francoise Aufrere Pery.

The law suit is for proceeds of public sale of certain property of Pery seized by Jean Jung. The result of the sale was deposited in the Registry of the Superior Council to await the decision on the question of privilege raised by Mrs. Pery.

Prevost analyses her rights under her marriage contract and alleges she has received all that is coming to her and that she has no privilege on the property sold herein.

Petition to Superior Council by Jean Baptiste Prevost, acting for Jean Jung, merchant and ship chandler of Bordeaux, chief creditor opposing Sr. Gerard Pery, and against the claims of Francoise Aufrere, wife of said Pery, under authority of her curator, Sr. Aufrere, filed May 24, 1745. Prevost alleges that said Dame Pery by her marriage contract, Feb. 1st, 1742, brought 20,000 livres into the marriage. He shows that a sum of 3,500 livres is carried there for cattle, whereas the sale only shows the sum of 500 livres, which leaves a difference of 3000 livres which cannot be allowed said Mrs. Pery. As to the note for 4000 livres stipulated in contract of marriage it cannot be allowed against Sr. Pery as the discharge only

shows 3000 livres. That the furniture for use of said Dame Francoise Aufrere, was not included in the seizure as she claimed it together with the returns of the sale of movables, in money and in kind amounting to 5000 livres. Therefore petitioner prays that all other claims advanced by said lady be denied as she has come into all she brought to said community, and that the returns of seizure deposited in Registry, on demand of Sr. Prevost, be remitted to him for Sr. Jung on account of what Sr. Pery owes him.

Signed: Prevost.

June 5.

2 pp.

No. 1043.

Answer of Dubreuil to suit of Widow Brunet.

He avers that though he could defeat the pretended debt to her husband under plea of prescription, by length of time elapsed, still he demands communication of the papers on which she makes her demand. The Council turned this affair over to Mr.

de Livaudais to do justice to Mrs. Brunet with consent of Dubreuil but she would not agree, wherefore he hopes that this will be decided at next session of Council.

Signed: DuBreuil.

Appointment of Jahan to represent Dubreuil before the Council.

June 5. Request to Mr. Jahan to appear before Council in place of Mr. Dubreuil in the affair of Widow Brunet, and ascertain what she means by notes and receipts of Mon-

sieur Descloseaux. Dubreuil is certain that he has accounts settled which memorandums furnished by Brunet will prove.

Signed: DuBreuil.

June 5. 2 $\frac{3}{4}$ pp.
See July 3.
No. 1049.

Prevost, agent for Daunoy and Assailly, answers the suit of Jahan, agent for the heirs of Georges des Fontaines.

He pleads prescription against all claims except for salary on the ground the accounts should have been presented in 1724, whereas they were not presented until after his death. As to the salary it should be limited to that earned up to the date of revocation of Des Fontaines' power as agent and representative of the owners of the LeBlanc concession.

Petition to Superior Council by Sr. Jean Baptiste Prevost, acting for the associates of the LeBlanc concession and under procuration of Sr. Assailly and Sr. Daunoy, defendants vs. Sr. François Jahan, acting under procuration of the heirs of Sr. Georges des Fontaines, who claims his salary from his revocation as Director until his death and other debts amounting to 3472 livres, 6.8.. Prevost represented to the Council that it only remained to be proven that Sr. de Pauger had the authority to revoke des Fontaines, which was evident from the procuration issued to said de Pauger by Sr. d'Asfeld on April 3, 1724, the notifi-

cation that his services were no longer required being served on him by de Pauger on Sept. 9, 1724. The accounts should have been ready at that time but were not rendered until after his death, for which reason Sr. Jahan's claim should be denied and the only sum due to said Des Fontaines being his salary until his revocation.

Signed: Prevost.

June 5.
No. 1045. 4 pp.

Judgments of the
Superior Council.

Brunet vs. Dubreuil Villars,
Preliminary default.

Forstall vs. Petit,
Judgment against plaintiff.

or any other whom he may judge suitable. Forstall to pay costs. (But see further the fragment of minutes next entry below. This entry indicates a different decision.)

Des Fontaines' heirs vs.
Assailly and Daunoy,
Judgment for plaintiff.

Session of the Superior Council of June 5, 1745, where were present Mr. Le Normant, First Councillor; MM. Raguét, Prat and Le Bretton, and de Benac, Major of the Place.

Judgments rendered in following cases:

1. Widow Brunet, plaintiff, vs. Dubreuil Villars, defendant: Judgment in default against defendant and order to appear before Council at its next session. Costs pending.

2. Sr. Nicolas Forstall, plaintiff, vs. Sr. Ignace Petit, for defendant: Council acquits Petit, Sr. Forstall to sue Baudreau

3. Sr. François Jahan, acting for des Fontaines' heirs, plaintiff, vs. Sr. Prevost, acting under procuration of Sr. Assailly and Sr. Daunoy, purchasers of concession

of Mgr. LeBlanc and associates, defendant: Council orders defendant to pay to plaintiff the sum of 5,251 livres, 16 sols, 1 dernier, as per first demand and moreover 1250 livres to which was reduced the claim for 3462 livres, 6 sols, 8 deniers. Concession to pay costs.

Gautreau vs. Lorrains,
case continued.

4. Between Gautreau husband of Elizabeth Lorrains, plaintiff, vs. Jacques Lorrains, called Cacadier, defendant: Council has adjourned case until arrival of said Lorrains. Costs pending.
(He signs Gautherot.)

Layssard vs. Grosset,
Preliminary default.

5. Between Etienne Layssard, plaintiff, vs. Pierre Grosset, defendant: Judgment in default against defendant, who is cited to appear before Council at its next session.

Francoise Aufrere Pery vs. Jean Jung,
Judgment for plaintiff.

6. Between Francoise Aufrere, wife, separate in community, of Gerard Pery, plaintiff, vs. Sr. Jean Baptiste Prevost, acting under procuration of Sr. Jean Jung, defendant: Council orders wife of Pery to take the sum of 13333 livres, 7 sols, 8 deniers, for her dowry; as to the other third it is to be deposited in the Registry for distribution before Mr. Raguét, Commissioner in this case, after sale of effects of Sr. Pery. Sr. Pery to pay costs.

Blanpin vs. Fabry,
Preliminary default.

Between Sr. Josphe Blanpin, plaintiff, vs. Sr. Andre Fabry, defendant and plaintiff: Judgment in default against defendant and order to appear before Council at its next session. Costs pending.

Morisset vs. Chenier,
suit dismissed.

8. Between Louis Morisset, plaintiff, vs. Jacques Chenier, defendant. Thrown out of court. Costs compensated.

De Chavannes vs. Prevost,
Judgment for plaintiff.
See further below.

9. Between Sr. de Chavannes, plaintiff, vs. Sr. Prevost, defendant: Council after oath taken by Sr. de Chavannes that said effects were remitted to Sr. Prevost, orders said Prevost to pay the sum of 113 livres, as was decided by arbitration and to pay costs.

Signed: Lenormant. fazende. De Benac. Le Bretton. Raguét. Prat. fleuriau.

Document badly stained with ragged edges.

June 5. 2 pp.

A fragment or a copy of the minutes of the foregoing session of Superior Council of June 5.

This document is evidently a more elaborate report covering reasons for judgment not given in the formal entry of judgments.

These elaborated reports are found now and then in our records and are always more interesting than the original lists, as they show the mind of the Court at work.

The Edit creating the Superior Council required it to keep minutes of its sessions, but we have never found a minute-book or anything approaching such a book. We have long since concluded that the loose leaf system prevailed in that day and that documents of the character here printed are in reality the original minutes.

considering that the said girl during her minority could own nothing personally and that the plaintiff (Petit) did not observe the required formalities at the time. (See the entry of judgment No. 2 in the preceding document in derogation of these conclusions.)

June 5. 2½ pp.

Excerpt from Registers of the Superior Council. Gauthreau vs. Lorreins, reversing the ruling No. 4 in the list of judgments rendered June 5.

Between Sr. Jean Baptiste Gauthreau, husband of Elizabeth Lorreins, called Tarascon, plaintiff vs. Jacques Lorreins, called Tarascon, defendant: Council orders defendant to remit to his daughter her share in her mother's succession, 818

livres, 2 sols, 6 deniers, without prejudice to other claims.

Signed: By the Council. Henry, Greffier.

Sept. 30, 1745. Notice of judgment rendered by Council served on Jacques Lorreins by Sheriff Lenormand.

3½ pp.

The petition of plaintiff dated Sept. 2, 1745, shows that the Council had kept the case open owing to the absence of the principal defendant, and the action of the Court in Sept. was predicated upon proof that he had been in and out of N. O. several times in the interim.

Sept. 2, 1745. Inclosed in previous document: Petition to Superior Council by Jean Baptiste Gautherot, husband of Elizabeth Lorreins, called Tarascon daughter of Jacques Lorreins and his deceased wife, Marie Avril, stating that a year ago he had demanded an account of the goods of his wife's mother and that the Council had adjourned decision until

arrival of Jacques Lorreins. Said Lorreins has been in New Orleans several times and petitioner again claims the small sum that reverts to his wife from her mother's succession. Moreover there are six slaves, forming a family whom said

Lorreins always takes with him on his journeys* and who are of value, he requests that they be sold in order to settle with his wife and asks, for that purpose, the aid of the Attorney General of the King.

Signed: Gautherot.

June 6. Slip.

Statement of amounts due by Ancelin Jr., of La Martinique.

June 7.

26620. fo. 28.

4018. 8 pp.

Marriage Contract, Jacques Sernans Voisin, Marine Officer and Francoise Denis de Bonaventure, widow of Pierre Fillard.

Marriage Contract of Jacques Sernans Voisin, Marine Officer, son of Pierre Voisin, Officer of Militia, and of Helene Modeste Piednoir, a native of St. Servans, Bishopric of St. Malo, Brittany, on one side, and of Francoise Denis de Bonaventure, widow of Sr. Pierre Fillard, daughter of

deceased Sr. Louis Denis de Bonaventure and of Dame Francoise Le Fevre, now married to Joseph Petit called St. Joseph.

Signed: Jacques Sernan. francoise denis de Bonaventure. veuve fillart. C. Voisin. P. Voisin. La St. Joseph. Vaudreuil. Femme Voisin. Fleury Le Verrier. Noyan. Lenormant. Barbin. Vongy. Barbin. P. Voisin. f. DeBlanc. DeBenac. (a signature eaten through). Chantalou. Henry, notary.

26624. 3 pp.

Inventory of the property of the bride, annexed to the marriage contract.

Inventory of property of the community between deceased Pierre Fillard and Francoise Denis de Bonaventure, who declared that she had no children from this marriage, that by their marriage

contract they had made mutual donation of their movables, immovables, acquests, conquests, etc., and that said donation was filed in the Registry. There follows an inventory appraised at 14690 livres.

Signed: veuve fillart. La St. Joseph. P. Voisin. Barbin. Vongy. Voisin fis. Henry, notary.

June 8.

Copy of a note for 94 piastres in silver equal to 705 livres in silver, Martinique money.

Copy of a Note for 94 piastres in silver (metal) signed by Ancelin son, in favor of Pre Hervier, the said sum equal to 705 livres in silver in Martinique money.

June 9.

26631. fo. 28.

4019. 3 pp.

Marriage Contract, Francois Gervais, and Marie Anne Busson.

Marriage Contract of Francoise Gervais, son of deceased Jacques Gervais and of Louise Vandandre, a native of Quebec, and Miss Marie Anne Busson, daughter of Noel Busson and of Anne Bertin, both deceased.

Signed: francois Gervais. Dlle Dupard. Marie Anne Busson. f. Goudeau. Larche. Avignon. Lemelle. Lesassier. Chantalou. Henry, notary.

June 11.
26634. fo. 28.
4020. 2¼ pp.

Complaint by J. B. Prevost
of an assault and battery
upon him by Jacques
Perier.
See next entry.

Complaint in Registry by Sr. Jean Baptiste Prevost against Jacques Perier, who last night sent two soldiers to a lot owned by Prevost. They were armed, one with the same sword which said Perier used on the negro Cosse the eve that the soldiers examined the cabin of the negro, ill treated him and his wife and then returned to Perier's house. This morning the negro passing before Perier's house was assaulted and beaten until the broom handle was broken on him, and later Perier attacked Prevost himself, tore his shirt to ribbons and held him by his collar until MM. Membrede, Henry and Rasteau came to his aid.
Signed: Prevost.

Certified by Henry, Greffier.

June 12.
26636. fo. 28.1 p.
See preceding entry.

Complaint in Registry by Sr. Jean Baptiste Prevost, Agent of the Company of the Indies against one Jacques Perier, a carpenter, for trespassing and assault, this declaration to be certified to serve as need may be.
Signed: Prevost, Henry, Greffier.

June 12.
2 pp. No. 25.

Louis Marin of Fort Chartres, files a proceeding taken by him on this date in Illinois, to compel Louis Thiberge of Caskaskias to remain in the Colony, or to deposit bond to protect said Marin against the judgment which said Marin has appealed.

Petition to Mr. de La Loere Flaucourt, Chief Secretary of the Marine, Subdelegate and Judge in Illinois, by Louis Marin stating that he has appealed from sentence of March, 1744, and praying that Sr. Louis Thiberge of Caskaskias be not allowed to leave the Colony without having deposited sufficient bond for the prosecutions instituted by him, considering that he is insolvent, and that all travelers be warned not to help him to get away. Signed Marin. Dated June 9, 1745.

June 12, 1745. Order by Sr. de la Loere Flaucourt to Louis Thiberge to deposit in Registry the sum of 500 livres for costs of his suit, unless he prefers to put said sum in hands of Judge de la Loere to send to New Orleans.

Signed: de La Loere flaucourt.

Order of de la Loere, Flaucourt Chief Secretary of the Marine, Subdelegate and Judge in Illinois, requiring Thiberge to deposit 500 livres in the Registry as security.

June 13, 1745. Notice served on Sr. Louis Thiberge, residing at Caskaskias and copy of sentence left with him, on petition of Sr. Marin residing at Fort Chartres, parish of Ste. Anne, by Sheriff René Dubois, "Huissier Royal."

Document in small pale script, stained and perforated.

June 12.
27449. 3 pp.

Procuration from Montreal to Augustin Chantalou to collect all sums coming from succession of Danis Drouet.

Procuration granted by Jean Francois Malhiot, resident of Montreal, before Royal Notaries to Augustin Chantalou, a resident of New Orleans, to collect and receive all sums from succession of Danis Drouet, "Ecuyer Sieur de Richarville."
Signed: Malhiot. ADhemar. Dauré DesLangy.

Certification of above signatures by Joseph Guiton Monrepos, and Lord of Cazinoue, as notaries of the Royal Jurisdiction of Montreal.

May 20, 1746. Notification served on Sr. Barbin by Sheriff Lenormand.

June 12.

Copy of letter from De Gruy Verloin to M. Buchet.

Copy of a Letter written by M. De Gruy Verloin to M. Buchet—confided to amiability of Mr. Benoist, reproaches to Mr. Deseluseau for his silence, infers that it

is due to total negligence of affairs they have together, informs him that lead they had in partnership is melted, accept cancellation of partnership from this day, debts and expenses for his account he will honor at his next visit to Fort Chartres.

June 14. 1 p.

Gonzales of the St. John the Baptiste "now in the Bayou," files a declaration concerning a cargo of flour shipped for account of His Catholic Majesty on said boat for delivery at Pensacola.

Copy of a Declaration by Sr. Gonzales concerning flour, "Flower of Vera Cruz," which he received from Sr. Hervier on order of Mr. de Vaudreuil, in his boat the "St. Jean Baptiste" now in the Bayou, shipped for account of His Catholic Majesty to Pensacola, from where he has to

obtain a receipt for the bill of lading Mr. Grenier is said to have delivered at Vera Cruz; in case Mr. Grenier has not arrived in Pensacola and remitted the other shipment of flour, Sr. Gonzales will sell what he has at best profit. On his return from Pensacola he will load on his boat the other cargo of flour left at the Balize at the risk of Sr. Hervier. Made in duplicate, all other of no value.

Signed: Gonzales.

June 16.
26642. fo. 28.
4022. 1½ pp.

Dissolution of partnership entered into for trade in the Attakapas between Andre Fabry de la Bruyere and Joseph Blanpain.

Annulment of Partnership for trade of the Attakapas between Sr. André de la Bruyere, ordinary Secretary of the Marine and Sr. Joseph Blanpain, the latter, for himself, and his heirs renouncing all pretensions to said trade, without reserve, if it so pleases Mr. de Vaudreuil; Sr. Blanpain ceding to Sr. Fabry one hundred deer skins and his negro;

Sr. Fabry agreeing to pay all debts of said partnership, and

the sums due to Sr. Assailly, represented by Sr. Prevost. Sr. Fabry furnishing security by hypothecation of all his movables and immovables. Sr. Blanpain promises not to trade in said country neither with Frenchmen nor Indians.

Signed: fabry De La Bruyère. blanpain. Chantalou. Henry, notary.

"Granted for two years to Sr. Delery without renouncing mortgages nor solidarity of Sr. Blanpain. Signed: Prevost. Jahan."

June 16.
26644. fo. 28.
4023. 2 pp.

Fabry de la Bruyere sells to Bourguine 3307 pounds weight of deer skins, cancelling thereby a solidary obligation of himself and Blanpain, executed in 1741.

Obligation in the sum of 3307 livres in weight of deerskins good and loyal measure and fit for trade, by Sr. Fabry de La Bruyere, Secretary of the Marine, to Sr. La Brosse, business agent of Sr. Bourguine, payable within two years, cancelling the obligation of Sr. Fabry and Blanpain, passed solidarily in 1741; for security of

said 3307 livres. Sr. Fabry affects and hypothecates all his goods present and to come, particularly the trade of the Atacapas (Attakapas) in consequence of which Sr. La Brosse releases Sr. Blanpain from all further indebtedness in this matter.

Signed: fabry De La Bruyère. La Brosse. Cantrelle.
Document charred, text eaten away in several places.

June 19.
26648. fo. 28.
4024. 2½ pp.

Joseph Blanpain of the Houmas, German Coast, makes his last will. He is about to go in search of Chevalier Grenier. The adventures of the latter are the subject of the paper on *The Wreck of La Superbe*, La. Hist. Qy., Vol. II, p. 179, April, 1928.

"Blanpain Codicil." Sr. Joseph Blanpain, resident of the Houmas, German Coast, (paroisse des Allemands), being about to leave on a journey of discovery as to what became of the Chevalier Grenier, and not having time to make a will makes this codicil. His route has been determined by the Bayou Plaquemine to the Chetimachas lakes, from there to continue his journey following orders to be given

by Sr. Hervier until he reaches the Bay of St. Bernard. He names as his universal legatee, for services rendered and the friendship shown him, Sr. Joseph Le Kintrek, called Dupont; one-third of returns on his succession to Francoise Valleran, orphan at the Convent, aged eleven years, raised in said Blanpain's home. As to his patrimonial and matrimonial goods in France he leaves them to his coheirs, if any. Those in this Colony he earned himself, without any help from his family.

Signed: blanpain.

"This was read and reread to him."

Jahan. blanpain. Chantalou. Henry, notary.
Document stained with ragged edges.

June 24.

26651. fo. 28.

4025. 2 $\frac{3}{4}$ pp.

Will of Jacques Judice, with confirmation of same dated April 2, 1746. See succession of his wife, May 18, 1745.

Nuncupative Will of Jacques Judice, resident of New Orleans, who died at the Hospital, born in Alsace, widower of Marie Genty, widow Rousseau, dead five years, leaving two children of her first marriage and a son aged thirteen from her marriage to him. He names as tutor

to his son Louis, Sr. Jonathas Darby as under tutor, his brother, Nicolas Judice and Sr. de La Prade, testamentary executor.

Signed: Jacques Judice. Bourbon. Chantalou. Darby, Henry, notary.

April 2, 1746. Confirmation of this will by Jacques Judice, whom Notary Royal found confined to his bed, but sound of mind and having read and reread the will dictated to him by said Judice on June 24th, 1745, the testator declared that he had heard and understood will and codicil and that he wished them to stand.

Signed: Jacque Judice. P. descuo (?). Chantalou. Henry, notary.

June 25.

26654. fo. 28.

4026. 2 pp.

Declaration of capture and imprisonment by English vessels near the Cape in 1744. The appearer was on La Jeune Leonor and was held prisoner at Martinique until last August. He arrived in N. O. on L'Aimable from Havana.

Collated Copy of Declaration made in Registry of Superior Council by Sobat Duberoa that he embarked on ship "L'Aimable" under Captain Darjou; left Bordeaux on "La jeune Leonor" March 8, 1744, for Santo Domingo with a crew of eighteen men, that he was attacked by English vessels twelve leagues from the Cape, that all their letters were examined, and goods seized and that they were carried to Martinique, where they

were all imprisoned until last August, having passed for a sailor in order to be released, after which he sailed for Havana, which he reached last September and remained there until he sailed on L'Aimable, this declaration to serve as need may be.

It was signed by Duberoa and Henry, Greffier.

Certified as collated copy by Henry, Greffier.

June 26.

8 pp.

Suit by Honore Rassard against Sieur Hervier to establish ownership of 100 cases of flour, shipped at Vera Cruz on the St. Jean Baptiste. This is a sequel to the loss of La Superbe, who was sailing in company with the St. Jean Baptiste, which ship was carrying part of the cargo purchased by Grenier of the Superbe, who parted company with his consort and was lost as is told in the Wreck of La Superbe, La. Hist. Qy., II, p. 179, April, 1928.

Honore Rassard vs. Sr. Hervier, before Councillor Prat for return of one hundred cases of flour shipped on the boat the St. Jean Baptiste under Captain Michel Maignot, which Sr. Grenier caused to be embarked for his account as having paid price of purchase at Vera Cruz; inquiry was made and the following witnesses testified under oath: Sr. Paul Rasteau, merchant of New Orleans; Michel Maignot, Captain of the said boat; Don Jean, pilot; and two Frenchmen. Some did not speak good French and their testimony

The procedure seems to have been intended to preserve the testimony of the witnesses on the St. Jean Baptiste as well as to prove ownership of this part of the cargo.

was repeated by Sr. Pierre Nouguez of this city.

July 2, 1745. Notice served on Sr. Hervier, second Captain of Chevalier Grenier, to furnish defense against testimony given.

Signed: Lenormand.

Document worm eaten, text destroyed.

21½ pp.

June 23, 1745. Petition to Mr. Le Normant, Commissioner of the Marine, Ordonnateur and First Judge in Superior Council by Honoré Rassard for citation of Sr. Hervier to compel him to remit to petitioner one hundred cases of flour, eighty lbs. of Guinea aloe bags ("pite"), and five packages of sugar on proofs which petitioner offers to furnish. He offers also to get proofs from Vera Cruz and if need be to give bond so as not to miss the sale of his goods.

Signed: honoré Rassard.

June 23, 1745. Order by Judge Le Normant for parties to testify at next session of Superior Council before Councillor Prat.

Signed: Lenormand.

Document stained and worm eaten so as to destroy a part of the text.

June 28.

26656. fo. 28.

4027. 3½ pp.

26658. 3½ pp.

Marriage Contract, executed in Pointe Coupée between Jean Baptiste Lhotiere and Adrienne Homard, widow of Martin Nantier called Soissons.

Marriage Contract passed at Pointe Coupée between Jean Baptiste Lhotiere, a native of the Parish of Ste. Croix of Arras, Bishopric of Cambray, widower of Marie Anne Bonin, and Adrienne Homard, widow of Martin Nantier called Soissons. The groom declared that he could not sign nor write.

Signed: adrienne homard. pontalba. Meillion. Balquet. Trenaunay Chanfret. Potin, notary.

June 28. Notarial copy of above document signed by Potin, notary.

June 30.

26664. 4028.

ff. 2 pp.

Nicolas Forstall obtains authority from the Superior Council for an inquiry into the loss of La Superbe. (This story is an echo of the adventure described in the paper on the Wreck of La Superbe, *La. Hist. Qr.*, II, p. 179, April, 1928.)

Declaration by Nicolas Forstall in Registry of Superior Council, associated owner of the St. Jean Baptiste, now in this port that he sent his son to Vera Cruz with four bars of gold to purchase sail cloth. There was none to be had in Vera Cruz and as there were many passengers and no defense in case of attack Sr. Forstall junior came back with Sr. Paul Rasteau and Dom Michel, intrusting his gold bars

to Sr. Du Hommel commanding a detachment of troops em-

barked on Sr. Grenier's boat which being a swifter sailer would reach New Orleans first. They were last seen at thirty leagues from the Balize without rice or water and as there has been no news since a fatal accident may be feared. Forstall prays that declaration be taken from MM. Paul Rasteau, Michel, Francois Martinet and Jean Francois called Leonard to verify this present declaration.

Signed: N. forstall. Certified by Henry, Greffier.

26666. 3 pp.

Testimony given in Registry signed by P. Rasteau, Michel Machad Franco An^o Maxn'z, Juan franco Hernandez, that they saw Sr. Duhommel receive the gold bars from Sr. Forstall.

Certified by Henry, Greffier.

July 1.

26694. 7½ pp.

Inventory of the community property and of the personal property of Francoise Plassan, widow of Nicolas Mayeux de Lormaison.

This list was prepared to be attached to the Marriage Contract of the same date between the widow and Jean Baptiste Prevost. The Marriage Contract is not in this file, but a copy of it was produced in the succession of J. B. Prevost in 1769.

See the Inventory of the Prevost Succession, La. Hist. Qy., Vol. IX, p. 411, July, 1926.

Prevost was a man of high standing in N O. and his name has appeared in the Index constantly. He was at this date Agent of the Company of the Indies engaged in liquidating its affairs in La.

Rereading and statement of goods of succession of deceased Nicolas Mayeux de Lormaison, merchant of Cap Francois, Santo Domingo, made on request of his widow Francoise Plassan whose marriage contract with Sr. Jean Baptiste Prevost was passed this day before Notary Royal. It is understood that the parties will not be responsible for debts contracted on either side previous to their marriage and that there will be no community of goods between them. This rereading is in the form of an inventory of the goods of the Mayeux succession. He left four heirs issue of his marriage to Francoise Plassan, Angelique Mayeux, aged 20 years, married at Cap Francois to Mr. de La Chapelle, Marie Mayeux, aged eighteen years, now with her paternal relatives in France, Francoise Radegonde

Mayeux, aged five years, and Pierre Mayeux, eighteen months. After death of Sr. Mayeux his widow as natural tutrix of their children had an inventory taken of all goods in New Orleans, which was sent to Cap Francois to be annexed to the general inventory at the said place to enable her to accept or renounce his succession for her rights as stipulated in her marriage contract. She has had no information thereof wherefore she has proceeded before Notary and in the presence of the Attorney General of the King, to enumeration, description and appraisement of all goods of said succession in New Orleans.

Signed: J. B. Prevost. francoise plassan Ve Mayeux. Raguet. fleuriau. D'anneville.

July 1. 3½ pp.

See June 5.

No. 1049.

Petition to Jahan acting for heirs of DeFontaine for order of execution on the judgment rendered in their favor on June 5. They seize thereafter certain hogsheads of indigo in possession of Fleuriau. Permit issued to be executed at the risk of petitioner.

Petition to Superior Council by Francois Jahan, acting for heirs of deceased George Defontaine, Director of the Concessions of Mgr. Le Blanc and associates, and Srs. Assailly and Daunoy, as purchasers of said concessions, for permit to seize hogsheads of indigo in possession of Mr. Fleuriau, and the said hogsheads to be judicially sold, the returns thereof to be turned over to petitioner.

Signed: Jahan.

July 1. Permit to seize at risk of petitioner and citation of parties before the Superior Council.

Signed: Raguet.

July 1. Notice served on Sr. Fleuriau, Procureur General of the King to hold all sums and effects of Le Blanc concessions and particularly seven hogsheads of indigo and to appear before Council at its next session to answer on petition of Sr. Jahan, attorney of Defontaine heirs.

July 1. Notice served on Sr. J. B. Prevost, attorney of Srs. Assailly and Daunoy, purchasers of concessions of LeBlanc and associates, informing him of seizure of seven hogsheads of indigo owned by said concessions and citing him to appear before Council at its next session.

Both notices signed: Lenormand.

July 1.

26669. fo. 29.

4029. 5¼ pp.

Marriage Contract, Jean Le Borne and Francoise Lavergne, (both minors) and native-born Louisianians.

Marriage Contract of Jean Le Borne, minor son of Jacques Antoine Le Borne and of Genevieve Belmont, a native of Bayougoulas, Parish of New Orleans, Bishopric of Quebec, and Miss Francoise Lavergne, minor daughter of Louis Lavergne and Elizabeth Thomelin, a native of Cannes Brulées, Parish of New Orleans.

Signed: Jn LeBorne. francoise Lavergne. DeLaunay. Pierre Louis Lavergne. Le Borne. Chantalou. Pierre Broupicou. Jahan. Henry, notary.

1½ pp.

Acknowledgment of settlement of rights of wife of this marriage, her husband being dead.

July 10, 1749. Acknowledgment by Francoise Lavergne, widow of Jean Le Borne, assisted by her father as she is still a minor, and has no children from her marriage to Le Borne, of having received from Jacques Antoine Le Borne, her father-in-law, the sum of 500 livres for her dowry and preciput 200 livres,

amounting to 700 livres, which sum is all that is due to her as she and her husband resided with his father and had no community as they made no profit.

Signed: *veuve Le borne. pierre Louis La Vergne. Chantalou. Henry, notary.*

July 1. 1/2 p.

Invoice of merchandise shipped to Campeachy for account of Barthelmy Milhet. Receipt signed by Milhet below invoice.

July 2.
2 pp. Copy.

A curious document covering a smuggling adventure to Campeachy. The shipper of the merchandise is Blt. Milhet—a name that figures in all the papers of the Ulloa uprising in 1765.

Instructions for sale of merchandise shipped by Sr. Milhet for sale at Vera Cruz concerning the 15% to be charged, change to be made on account schooner not being insured, money to be deposited with Jesuits or elsewhere at option with receipt for same, etc. Crew to be composed mostly of Frenchmen so that in case of

meeting Coast Guards the Frenchmen will outnumber Spaniards and advice not to let transaction transpire for fear of failure, to land as near Campeachy as possible and to be dressed as sailors in case of being taken by the English.

Torn.

Signed: Blt. Milhet.

July 2. 1/2 p.

Spanish.

Declaration by Sr. Hervier, of New Orleans, that he has this day received a cargo from Don Miguel Machado. The invoice carrying the quantity agreed on.

Signed: Pre Hervier.

July 3.
No. 1049. 2 1/4 pp.

Judgments of the Superior Council.

Session of the Superior Council of July 3, 1745. Were present MM. de Vaudreuil, Governor; Le Normant, First Councillor; de Benac, Major; Descloseaux, Raguette, Prat and Le Bretton, Councillors. Judgments in following cases:

Jahan vs. Prevost releasing seizure of seven hogsheads of indigo.

1. Jahan, acting under procuration of heirs of Desfontaines, vs. Sr. Prevost, representing MM. Assailly and Daunoy:

Council has certified declaration of Sr. Fleuriau, Attorney General of the King, that the seven hogsheads of indigo, are a deposit and that the seizure ordered is not valid, that Sr. Jahan must have recourse against Sr. J. B. Prevost, representing Srs. Assailly and Daunoy.

Sr. Descloseaux recused himself.
See April 21 for the pleading and answer in this case.
Loubouey vs. Melisan and wife.

2. Between Sr. Francois Chastang, acting under procuration of Mr. de Loubouey, Commandant of Mobile, vs. Sr. Francois Melisan and his wife Madeleine Boyer, defendants: All pleas considered

Orders sequestration of the negress Junon in house of a surgeon for observation for three months.

Descloseaux has retired. Rassard vs. Hervier, plaintiff to receive the bagging on furnishing bond for its value, pending further hearing.

Layssard Bros. vs. Grosset, called St. Pierre, for plaintiff for 949 livres and costs.

Signed: Vaudreuil. Lenormant. De Benac. Bobe Descloseaux. Le Bretton. Prat. Raguét. fleuriau.
Document stained and ink pale.

July 3.

26705.

4032. 1½ pp.

Nicolas Henry the Clerk of the Council, ex-officio Notary, asks the Council to appoint Augustin Chantalou Asst. Clerk. Certifies to his ability to fill the place.

Referred to the Procureur General.

Fleuriau, Procurer General, approves the application.

good conduct, be received as Greffier (Clerk of Court) to fulfill the duties thereof in case of need after oath administered and inquiry made as to his religion and conduct.

Fr. Charles, Superior of the Capuchins, certifies to the religion and morals of Chantalou.

Council orders that the negress Manon be sequestered during three months in the house of a surgeon, who is to give his report after that lapse of time, and the negress Junon to remain with Sr. Melisan until judgment rendered. Costs pending.

3. Between Sr. Honoré Rassard, plaintiff, vs. Sr. Hervier, defendant: Council orders that the bagging be returned to Sr. Rassard who will furnish bond for its value until he gives further proofs. Costs compensated.

4. Between Layssard Bros. plaintiffs, vs. Pierre Grosset, called St. Pierre: Council condemns defendant to pay 949 livres and costs.

Petition to Superior Council by Nicolas Henry, "Greffier" (Chief Clerk) of the Council, to accept Mr. Augustin Chantalou, as assistant Greffier, to administer the customary oath, and to order registration of same. He declares that Augustin Chantalou has been aiding him since four years and has all the required ability and qualities to fill the place. Sr. Henry is the only notary in this jurisdiction and that in case of illness or absence in unforeseen cases the service would suffer.

Signed: Henry.

Order to communicate to the Procureur General of the King. Dated July 2, 1745.

(Document in margin is dated July 3, 1745.)

July 2, 1745. Consent of the Procureur General of the King that Sr. Augustin Chantalou, considering his ability and

Signed: fleuriau.

Certification of religion and good conduct of Augustin Chantalou signed by Fr. Charles, Superior of the Capuchins, and sealed with the church seal. (Seal broken).

July 3, ½ p.
26706.

Order of Council to inquire into the life and morals of Chantalou.

Order for inquiry into life and morals of Sr. Augustin Chantalou, before Councillor Raguét.

Signed: Lenormant. Vaudreuil.
De Benac. Bobé Descloseaux. Le Bretton.
Raguét. Prat.

July 15.
26707. 1 p.

J. B. Prevost, agent of the Company of the Indies, testifies to the good character of Chantalou.

Following order by Mr. Le Normant, on the 3d inst. Inquiry made before Mr. Raguét, Commissioner on this case:

Testimony under oath by Sr. Jean Baptiste Prevost, Agent of the Company of the Indies, aged forty-nine years, who has known him since he is in this Colony, (about five years) and vouches for him as a good christian and an honest man.

Signed: Prevost. Raguét. Henry, greffier.

See order of Council Aug. 7, 1745, granting the application and admitting Chantalou as assistant greffier (Deputy Clerk).

July 7.
26711. 2 pp.

Settlement between N. Forstall and Layssard Bros. of N. O. for 7528 piastres for gold and silverware, held in trust by the latter for account of Grangent of Havana.

Invoice of gold and silverware which Sr. Grangent has in trust with Layssard Bros. of New Orleans.

Receipt dated Havana, December 21, 1744, and note that Sr. Layssard still holds for him a sum of 5227.4 13/16. Cession and transfer for 5227 piastres to Sr. Boussebayre by Sr. Grangent, Dec. 21, 1744, and request by him to Layssard Bros. to remit the ¾ ceded by Sr. Grangent to Sr. Forstall who will tender receipt for same.

Signed: Boussebayre.

Receipt to Layssard Bros. for contents of the invoice amounting to 7528 piastres. Dated July 7, 1745.

Signed: N. forstall.

July 7.
26713. fo. 29.
4033. 2 pp.

Joint declaration before the Clerk of the Council by Nicolas Forstall, Etienne Layssard, Captain Darjou, Paul Rasteau and Charles Cartier showing difference between the invoice weights and actual weights of certain bars of gold sent to Layssard by Grangent of Havana.

Declaration in Registry of Superior Council by Sieur Nicolas Forstall, associate owner of the boat the St. Jean Baptiste; Sr. Etienne Layssard, Sr. Darjou, captain and proprietor of the ship l'Aimable; Sr. Paul Rasteau and Sr. Charles Cartier on the bars of gold remitted to Sr. Layssard by Sr. Herault, who held them from Mr. Assailly, to whom they had been sent by Hugues Grangent, of Havana, that the weights in the invoice and those given on being weighed do not correspond; details of both weights

noted as well as difference; the present declaration to serve as need may be.

Signed: N. forstall. Layssard. P. Rasteau. Darjou. Cartier fils. Henry, Greffier.

July 10.
2¼ pp.

Boisclair, curator of the minor children of Delery, sues their mother (now Dame Montberaut) for an accounting of the estate of the minors, and for alimony for their support.

Note: Sr. Chauvin Delery was the first husband of Laurence LeBlanc de la Valiere and Sr. de Montberaut, was her fourth husband. There were heirs by her marriage to Sr. Delery and one by her third husband St. Aignan.—H. H. C.
See judgment in favor of the curator, Aug. 7, 1745, No. 6, and second entry in full on same date.

Petition to Superior Council by Sr. Boisclair curator of the minor children of Sr. Delery, to have inquiry made in usual form to prove the quantity of cattle that the Dame Monbereau sold whilst she was tutrix up to date and to order that another appraisement be made of the houses and lots in the City and the plantations, how many negroes, negresses and small negroes remain for account of minors, that the said Dame de Monbereau be held to replace the slaves she sold by those in her possession and moreover to pay 600 livres to curator for provisions for the minors, as he has no funds for them in hand and is unable to make all the advances.

Signed: Boisclair.

Parties ordered to appear before Council on this 10th of July, 1745.

Signed: Lenormant.

July 12, 1745. Notice of citation for the first Saturday of August, at 9 A. M., served on Dame Laurence Le Blanc, wife of Sr. Montberaut, at her domicile in New Orleans, given to Pierrot, her servant.

Signed: Lenormand.

July 13.

Anne Dubic as agent of Fourcade of St. Domingo sues Barbin, Attorney for Vacant Estates, to recover the papers, titles and property of the wife of said Fourcade.

Petition to Superior Council by Anne Galbron, wife of Barthelmy Dubic, praying for citation of Sr. Barbin, Attorney of Vacant Estates, to turn over to her all titles and papers of wife of Sr. Fourcade, which came into his hands at her decease, following a legalized procuration sent

from Santo Domingo by said Fourcade authorizing her to this and to sale of two lots owned by him on Bourbon Street in New Orleans; for all papers she will give Sr. Barbin good and valid discharge.

Citation issued by Councillor Prat to Sr. Barbin.

July 20, 1745. Notice of citation before Council on the first Saturday of the month at nine in the morning served on Sieur Barbin personally by Sheriff Lenormand.

July 12. 1 p.

***THE BAD BREAD
MUTINY**

De Benac, Major of N O., demands the trial of the soldiers now imprisoned in N. O. for mutiny. They had revolted against the "munition-bread" furnished to them as soldiers of the garrison.

De Vaudreuil, Governor of Louisiana, orders the trial to proceed before de Bellile, Adjutant of the troops in N. O.

Petition to the Governor by Mr. de Benac, Major of New Orleans, that the soldiers he was forced to imprison in the revolt caused by munition-bread dealt them, be tried as soon as possible, as their example is prejudicial.

Signed: De Benac.

Petition granted and Order to Bellile, Adjutant, to begin trial of the most guilty.

Signed: Vaudreuil.

Document water stained, what is left of it very pale, upper margin mutilated and right hand margin worm eaten, torn, curled and text partly destroyed.

No. 1052. 5½ pp.

July 13.

Examination of the mutineers.

1. Jean Biat called Lavergne, sergeant in de Gauvrit Company, aged 60, a native of Auvergne, admits he refused the bread "saying it was not good."

July 13, 1745. Inquiry made by Francoise de Bellile, Captain and Adjutant of New Orleans, following order of Governor de Vaudreuil, issued July 12, 1745, on petition of Mr. de Benac, Major of New Orleans.

Was first summoned Jean Biat called Lavergne, sergeant of Mr. de Gauvrit's Company, a native of St. Flou, Parish of St. Cernan in Auvergne, aged sixty years, who after oath taken to speak the truth testified that he was well acquainted with one Dominique, a soldier in Mr. de Gauvrit's Company, for having several times given him the bread to distribute to the troops, and having passed muster. Being asked why he was in the dungeons and in irons, he answered that he believes it is for having refused the munition bread, cutting it with his knife and leaving it on the table saying that it was not good. The officer told him to go to the prison and led him there himself.

Bellile.

Signed: Jean biate.

*This record is a startling example of the savage temperament of the officers commanding the troops in New Orleans. It appears that on Sunday, July 11, 1745, one Braude, called Dominique, aged 36, a native of France and a soldier in de Gauvrit's Company on duty in New Orleans, declined to eat the "munition bread" served at the barracks on that day, on the ground it was not fit for dogs to eat. For this he was put in jail and on the next day put on trial for mutiny. The testimony leaves no doubt that he refused to eat this ration. There was an attempt made to show that soldiers of the two other companies were asked to join in his refusal, and there seems to have been no other act committed by the soldier. The testimony was taken during two days before Bellile, the adjutant of the garrison on charges preferred by Benac, the Town Major, who is apparently the prosecutor. The accused had no defender. He was found guilty by the Court composed of Governor Vaudreuil, Ordonnateur Le Normant, de Gauvrit, Captain of his Company, Membrede, Captain of another Company, the other members being Noyan, Macarty, Maret, De Blanc and Maret Delatour, whose civil or military rank is not stated in the proceedings.

The accused was found guilty of sedition, mutiny and revolt and condemned "to be hung and strangled until death doth ensue." Whether the sentence was executed is not shown in the record.

Considering the romance that has been built up by our writers on the glorious age of the Grand Marquis de Vaudreuil we ought, we think, to offer this shocking story in evidence in rebuttal.

2. Pierre Janio called La fumie, fifer in de Gauvrit's Company, aged 50, native of Chaumont in Bassigny, admits refusing the bread.

to the same Company; that he was in prison for refusing the munition bread, that he was present when it happened, that he heard when M. de Favrot ordered him to take the bread, that he saw him take out his pen knife but he did not see him cut the bread that he only heard him say "there is the bread."

3. Jean Frederic called La Fontaine, drummer in de Gauvrit's Company, aged 42 years, native of Moulens in Bourbonny, admits refusing the bread, but places the actual revolt on Dominique, a soldier in de Gauvrit's Company.

On same date was summoned Pierre Janio called La fumié, a fifer of de Gauvrit's Company, a native of Chaumont in Bassigny, aged fifty years, who testified that he knew Dominique as he belonged to the same Company; that he was in prison for refusing the munition bread, that he was present when it happened, that he heard when M. de Favrot ordered him to take the bread, that he saw him take out his pen knife but he did not see him cut the bread that he only heard him say "there is the bread."

After him appeared La Fontaine, drummer of de Gauvrit's Company, who said that his name was Jean Frederic, alias La Fontaine, aged forty-two years, a native of Moulens in Bourbonny, testified that he knew Dominique, that he went to prison for having refused the

army bread, that the whole garrison had forbidden Gauvrit's Company to take the bread as it had the right to be served first. It was La Boulaye, corporal of the said Company, who led him to the bakery to get bread and that Lieut. Favrot was present who did not order him to take the bread but Dominique cut the bread in two and laid it on the table saying that he did not want it.

July 13, 1745. Order to communicate to Mr. de Benac, Major of New Orleans, signed: Bellile.

July 13.
1½ pp. No. 1050.

Inquiry against Braude, called Dominique.

Nicolas Marest, called Montigny, sergeant in Membrede's Company, aged 32, native of Paris (pitted with smallpox marks) testifies everybody refused the bread, but the trouble began in de Gauvrit's Co.

to refuse the bread, that if everybody refused it the first to begin was Mr. de Gauvrit's Company. He maintained that this was the truth, persisted therein and signed: Marest.

July 13, 1745. Order to communicate to Mr. de Benac, signed: Bellile.

Document charred.

No. 1051. 1½ pp.

Jullien Bidaux, sergeant in Benoit's Company, aged 33, denies advising Dominique to refuse the bread.

July 13, 1745. Interrogation of Bidaux before Adjutant de Bellile in trial of Braude called Dominique. Jullien Bidaux testified that he was a sergeant of Mr. Benoit's Company, aged thirty-three years, a Roman Catholic. Said that he did not tell Dominique that he must refuse the bread nor did he say that all the sol-

diers were to refuse it and that as de Gauvrit's Company was the first, it had to give the first refusal. (Text missing, the document being worm eaten).

Signed: Bidaux.

Order to communicate to Mr. de Benac signed: Bellile.

1 p.

Tixerant says that on Sunday, July 11th, he heard Dominique exclaim "what! no bread! we must then make war."

July 13, 1745. Declaration by Mr. Tixerant that on Sunday, July eleventh of this year, at 7:30 p. m., he heard one Dominique, soldier of Sr. de Gauvrit's Company, say in a loud and distinct voice: "What—no bread, we must then make war," in testimony of which the said declarer signed.

Document water stained but text perfectly preserved.

1/2 p.

Lieutenant Favrot, Officer of the Day, July 12th, tells briefly that Dominique started the row saying "they did not want such bread, that dogs would not eat it."

Declaration by Lieutenant Favrot in command on July 12, 1745, at the time of the distribution of bread to the troops, that one Dominique, soldier of Mr. de Gauvrit's Company, came with his comrades to the Bakery, we tried to oppose him telling him that it was the same bread as he wished to put his knife into it; he said it was the same bread that he had refused on the eve and insisted on cutting it, and having done so threw it on the table saying that they did not want such bread, that dogs would not eat it, that flour was not wanting in the King's warehouse.

Signed: Favrot.

No. 1048. 2 pp.

Re-examination of Jean Biat, called Lavergne, and of Jean Frederic, called La Fontaine.

Re-examination of witnesses in affair of Braude, called Dominique, on July 13, 1745.

Testimony of Jean Biat called Lavergne, of Jean Frederic, called La Fontaine, who declared that he could not write nor sign.

Signed: Bellile.

Order to communicate to Mr. de Benac, Major of New Orleans.

Signed: Bellile.

No. 1053. 7 pp.

Confrontation of witnesses with Braude, called Dominique—they repeat their testimony and abide by it.

July 13, 1745. Confrontation of witnesses with Braude, called Dominique. Jean Biat maintained his testimony and signed. Braude did not sign, declaring that he could not write nor sign.

Signed: Bellile.

Pierre Janio called La Fumee, confronted with Braude who before him repeated his testimony, neither signed as witness and accused did not know how to write.

Signed: Bellile.

Braude was then confronted to Jean Frederic called La Fontaine who repeated his testimony and both said that it was the truth.

Signed: Bellile.

July.

Braude insists that he did not tell these witnesses to refuse the bread, but advised them to accept it. Braude cannot write, and therefore did not sign.

Nicolas Marest, called Montigny, was then confronted with the accused; who repeated his deposition and that far from telling him not to take the bread that he told him and the others to accept it and that on his refusal he saw Mr. de

Favrot lead him to the prison.

Signed: Murette. Bellile.

Then Julian Francois Bidaux was questioned in the presence of Braude who repeated his testimony, Braude maintained that both Bidaux and Marest told him to refuse the bread, which he did. There were only three present, the two sergeants and himself.

Bellile.

Signed: Bidaux.

Order to communicate to Mr. de Benac (signed) Bellile.

No. 1054. 4½ pp.

Interrogation of Braude, called Dominique, a soldier in de Gauvrit's Co., aged 36, native of Retienla, duchy of Modena.

He admits that Lieutenant Favrot ordered him to take the bread, but that having opened it with his knife he laid it on the table saying he did not want it. He says he had served in the Royal Regiment of Bavaria in France and was afterwards sent to Louisiana.

He did not know the law against troops refusing munition bread, having always served in distant garrisons.

opened it with his knife he laid it on the table saying that he did not want it. He said that he had served in the Royal Regiment of Bavaria in France and was afterwards sent to Louisiana. Interrogated if he knew the ordinance against the troops refusing munition bread, he answered that he did not, having always served in distant garrisons. Questioned if he had seen Mr. Tixerant in front of his door when he went to the barracks from the corps de garde on the 11th inst., he said that he had not gone to the corps de garde on that day, and had not seen Mr. Tixerant that day (text destroyed through 12 lines). Questioned on what he said when he laid the bread on the table he answered that he had only said that he did not want it. He persisted in his testimony and was led away by the fusillier back to jail. He did not sign declaring that he did not know how to write.

Signed: Bellile.

Order to communicate to Mr. de Benac signed Bellile.

No. 1055. 1½ pp.

Dominique Braude is found guilty of sedition, mutiny and revolt and he is condemned to be shot before the assembled troops in the public square.

July 14, 1745. Council of War at the Government House and condemnation of Dominique Braude for rebellion in refusing to accept the munition bread, on petition to Mr. de Benac, Major of New Orleans. After trial, on conclusions of Mr. the Major, acting as Attorney General of the King, hearing of the accused, examination and re-examination of witnesses, confrontation with the accused, he was duly convicted of sedition, mutiny and revolt and the Council condemns him to be shot until death ensue, before the assembled troops on the public square.

Signed: Vaudreuil. Lenormant. Noyan. De Gauvrit. Membrede. Macarty. Maret. DeBlanc. Maret Delatour.

(This document is stained but the script is unimpaired.)

1 p.

The sentence is confirmed by De Benac but the penalty is changed to hanging. Our record does not show the execution of that sentence.

July 14, 1745. Sentence pronounced against Dominique Braude, following order of Mr. de Vaudreuil, Knight of the Military Order of Saint Louis, Governor of the Province of Louisiana, on petition of Mr. de Bellile, Captain of Infantry and Adjutant Major of New Orleans, to institute proceedings against Dominique Braude, a soldier of Mr. de Gauvrit's Company, imprisoned in the prison of New Orleans, for having refused the munition bread, which fact was testified to by Mr. Tixerant, Lieut. de Favrot and others and examination of accused and witnesses we have declared him duly convicted of the crime of rebellion in reparation of which he has been condemned to the full rigor of the ordinance, to be hung and strangled until death doth ensue.

(Signed). De Benac.

This whole file is in bad condition, some documents badly worm eaten, text destroyed, others stained.

July 19. 4 pp.

Dupart De Lisle sues Aufrere as custodian of the funds belonging to the estate of D'Ausseville to compel him to surrender the same or go to jail. He asks also for the immediate sale of the slaves, cattle and other effects of the estate.

See Mrs. Dupart's answer Aug. 7, 1745, and Judgment of Superior Council in favor of Rastenu same day, No. 4, listing him as a general creditor of Duparte and rejecting the demand against the widow who had renounced the succession.

Petition to Superior Council by Mr. Dupart

De Lisle, who has furnished bond for the sums belonging to D'Ausseville succession in hands of Sr. Barbin which have been turned over to Sr. Aufrere, for citation of said Aufrere to compel him to render account of same even if writ of arrest be necessary; he prays that slaves of said estate be sold within the delay granted by ordinance as well as the cattle and other effects of the succession, by judicial sale, as soon as possible for fear of deterioration of perishable goods, that accounts be rendered without regard to substitution

of Sr. Aufrere and to condemn said Sr. Aufrere to all costs, indemnity and interest. Signed: Dlle Dupart.

July 19, 1745. Order to notify all parties to appear before Superior Council at its next session.

Signed: Raguet.

July 19, 1745. Notice of citation served on Sr. Aufrere, at his domicile by Sheriff Lenormand.

Document worm eaten through the four pages, margins curled and torn, lower part of notice ragged and a part missing.

July 21.
26715. fo.29.
4034. 1 p.

Joseph Chaperon, tutor of the minor daughter of Joseph Larche, declares he has come to town from his plantation three leagues distant to prosecute Tixerant for 520 livres due for hire of three negroes for 3 consecutive years, and he further declares that he will "remain in this city" at the expense of said Tixerant until he settles.

Declaration in Registry of Superior Council by Sr. Joseph Chaperon acting as tutor of Juliana Larche, minor daughter of Joseph Larche and Marguerite Le Coq, both deceased, that he came from his plantation three leagues distant from New Orleans to prosecute Sr. Tixerant, in the case pending, for 520 livres, due by said Tixerant for negroes owned by the minor Larche following proces verbal drawn up April 15, 1744, for three consecutive years. Their hire is due since

the first day of last March. He declares that he shall remain in this City until final decree be rendered at expense of Sr. Tixerant. Certified by Henry, Greffier.

July 21. Slip.

Note at sight for fifty-five livres due Sr. La Tendresse, signed: Jeannelle.

July 23. 2 pp.

Procuration from Jacques Fourcade at Cap Francois, Santo Domingo, to Anne Galbron to collect the funds of his wife's succession from Barbin, Atty. of Vacant Estates.

Notarial Copy of procuration granted by Jacques Fourcade at Cap Francois, Santo Domingo, to Anne Galbron, to collect funds of his wife's succession in possession of Sr. Barbin, Attorney for Vacant Estates, to claim from him all titles and papers and to sell property for him.

Anne Galbron prays Council to allow citation of Sr. Barbin for purpose above mentioned and to permit sale of property of Sr. Fourcade.

Citation issued and served on Sr. Barbin by Sheriff Lenormand on July 26, 1745.

July 24.
26716. fo. 29.
4035. 4 pp.

Marriage Contract, Jean Baptiste La Croix and Jeanne Ervieux.

Marriage Contract of Jean Baptiste La Croix, son of Claude La Croix and Anne Michelle, a native of the Parish of Saint Sauveur, Archbishopric of Paris; and of Jeanne Ervieux, daughter of deceased Jeanne Baptiste Ervieux and of Marie

Pro, here present, stipulating for the bride.

Signed: Dallemand. Lacroix. alexandre. Carriere. Mari Carriere. jean carmouche dit lorrain. Henry, notary.

July 26. 1 p.

Memorandum of work and receipts for same, furnished by Saint Martin to Madame Francois on house built for her.

Memorandum of work done for Madam Francois amounting to 190 livres, 19 sols.

Receipt to Saint Martin for sum of 190 livres, 15 sols, above mentioned. Signed lorain senese.

Moreover furnished two hinges for Dalcour's door 25 s.

191 . 10

July 21, 1744. Receipt to St. Martin for payment of 95 livres for cabinet work on Madam Francois' house — mark eaten away.

March 5, 1745. Certification of having given to Mr. Pradel the sum of 270 livres for bricks he furnished for Madam Francois' house built by St. Martin.

Signed: Fr charles, supr.

July 29. 1¼ pp.

Sale of an Indian slave ("Savagess") for 700 livres and a young negro taken in partial exchange.

Sale of a Savagess, aged about thirty years, by Jean Baptiste Champagne and his wife Magdeleine Chailly to Francois Songy, a resident of New Orleans, in exchange for a young negro and for the sum of 700 livres in silver (especes sonnantes).

Signed: Songy. Chantalou. Henry, notary.

July 30. 2 pp.

Suit by Paul Rasteau, merchant of N. O., against the estate of Dupart in his life time, Captain of the Swiss Regiment of Karrer, garrisoned in this Colony. The claim is for 5196 livres, 10 sols, 3 deniers, advanced for subsistence of the troops. Rasteau asks for citation on the Widow Dupart, second wife of Sr. de Membrede, her second husband.

Petition to Superior Council by Paul Rasteau, merchant of this City, stating that the estate of Sr. Dupart, Captain in command of Swiss Regiment of Karrer garrisoned in this Colony is indebted to him for a sum of 5196 livres, 10 sols, 3 deniers, as per note signed by said Dupart which note was lost in the shipwreck of the vessel "L'Atlas" on the coast of France. This sum was advanced for the subsistence of the troops, as appears by annexed

certificate of Sr. Diederich on date of June 1, 1740, on the back of which is a certificate of Sr. La Pommeraye, approved by Mr. de Salmon, then Ordonnateur (Intendant). A decree of Council of August 7, 1742, ordered payment wherefore he prays for citation of Widow Dupart and Sr. de Membrede, her second husband.

Signed: P. Rasteau.

Order to Mr. de Membrede to appear before Council at its next session.

Signed: Lenormant.

August 2, 1745. Notice of citation before Council served on Sr. de Membrede with copy of petition.

Signed: Lenormand.

Document stained, badly charred, margins torn and curled.

July 30.
26722. fo. 29.
4037. 3¼ pp.

Declaration in the Registry of the Superior Council by Nicolas Forstall, associate owner of the ship St. Jean Baptiste, regarding discrepancy in weight of ten bars of gold remitted by Layssard Bros. on order of Grangent, merchant of Havana. That it is necessary to dispose of this gold in order that the ship may continue her voyage.

Declaration by Nicolas Forstall associated owner of the ship the St. Jean Baptiste, that it being necessary to dispose of ten bars of gold which remain on the quantity remitted to them by Layssard Bros. on order of Mr. Boussebayre, according to an invoice forwarded to him by Mr. Grangent, merchant of Havana, that Sr. Paul Rasteau having bought them and had them reweighed found a difference in the weights. (Detailed differences). Sr. Forstall said that for his business he

is obliged to continue his voyage and makes this declaration in the presence of Sieurs Hervier, Layssard, Rasteau, merchants, and Sr. Jolly, goldsmith. The sum paid to Sr. Forstall he will account for to his associates and he notes that there were no seals on the said bars as shown by the proces verbal made on the seventh instant for the difference between the weights of France and those marked carried on the invoice, this declaration to serve and avail as need may be.

Signed: joly. P. Rasteau. P. hervier. E. Layssard. N. forstall. Henry, Greffr.

26724. 1¼ pp.

Declaration by the same (March 5, 1745), that he has remitted four bars of this gold to Sr. Duhommel, officer commanding the troops going to Vera Cruz on the boat commanded by Chevalier Grenier, to be invested there in sail cloth.

The result of this venture is told in the Wreck of the La Superbe, La. Hist. Qy., Vol. II, April, 1928, p. 179.

March 5, 1745. Appearance of Sr. Nicolas Frostall in Registry who declares that he has remitted to Mr. Duhommel, officer commanding the detachment of troops going to Vera Cruz on the boat commanded by the Chevalier Grenier, four bars of gold weighing in all eight marcs three ounces as appeared in verification of Sr. Duhommel, amounting to the sum of eleven hundred and forty-two piastres, five reals* and four-sixteenths, said bars of gold to be remitted

to his son, Sr. Forsall, on arriving at Vera Cruz to be invested in thread sail cloth, the whole to be changed into piastres for service of the said boat which cannot leave the port for want of sails. He sent his son to Vera Cruz for this purchase as there was none available at Havana and there being none in this Colony. He demands that this declaration be certified.

Signed: N. forstall. Henry, Greffr.

*Real: A Spanish coin containing thirty maravedis. "Maravedi": The smallest Spanish coin, "the uttermost farthing."—H. H. C.

(To be Continued)

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**INDEX TO THE SPANISH JUDICIAL RECORDS
OF LOUISIANA
XXXII.**

January-March, 1780.
(Continued from January, 1931.)

By LAURA L. PORTEOUS.
Marginal notes By HENRY P. DART.

**Full name and title of all Spanish Officials appearing in the
Spanish Judicial Records of Louisiana for the year 1780.**

- Governor Bernardo de Galvez, Pensioned Knight of the Royal and Distinguished Order of Carlos III, Colonel of the Royal Armies, Intendant Inspector and Governor General of this Province for His Majesty, etc.
- Governor Esteban Miro, Colonel of the Fixed Regiment of this Place, and Governor ad interim of this Province.
- Acting Governor Pedro Piernas, Lieutenant Colonel of the Fixed Battalion of this Place and acting Governor of it. He was also Senior Alcalde for the year 1780.
- Assessor General and Auditor of War, Juan Doroteo del Postigo y Valderrama, Auditor of War for this Government and Judge Commissioned for these proceedings, when acting as Judge.
- Alcaldes, Pedro Piernas, Jacinto Panis, Pedro de Verges, Nicolas Forstall, Joseph Orue, Francisco Joseph Le Breton D'Orgenois, Juan Ventura Morales, Santiago Livaudais, Guido Dufossat.
- Escribanos Leonardo Mazange and Fernando Rodriguez.
- Attorneys, Francisco Broutin, Antonio Mendez, Pedro Bertonniere, Rafael Perdomo, Esteban de Quinones, Pedro Ignacio Cowley, Luis Liantand (Liotau).
- Contador, Juan Ventura Morales.
- Deputy Sheriffs, Nicolas Fromentin, Francois Langlois, Bernardo Auricosti, Miguel Gomez.
- Commanders of the Outposts—Charles de Grand Pré, Graded Lieutenant Colonel of the Regiment of Louisiana, Civil and Military of the Commander of the Post of Pointe Coupee. Francois Emond, Jr., carries out de Grand Pré's orders.
- Antoine Ricard de Rientord, Commander of the Post of Pointe Coupee and Opelousas—Commander of the German Coast, (1777).
- Francois Seimars de Bellile and Nicolas de la Size, Commander of the Post of Pointe Coupee (1782).

Francisco Valle, Commander of the Post of St. Genevieve in Illinois.

Interpreter, Francois Langlois, Official interpreter or translator, and process-server.

Public Appraisers, Francisco Bijon and Joseph Adrien de la Place.

Court of Appeals in Havana.

Don Felipe de Fons de Viela y Ondeano, Marquis de la Torre, Lord of the Abbey of Lees, Regidor Perpetuo of the City of Zarragosa, Chevalier of the Habit in the Order of St. James, Field Marshal of the Royal Armies, Superintendent of the Revenue from Tobacco, Judge Protector of the Postal Service and of the Royal Company, Captain General and President of the Tribunal of Appeals for the Province of Louisiana, Governor and Captain General of this City of Havana, Island of Cuba for His Majesty.

Don Lorenzo de Montalvo, Count of Macuriges of the Council for His Majesty, Intendant General of the Marine of this Port.

Don Juan Ignacio de Urriza, Pensioned Chevalier of the Royal and Distinguished Spanish Order of Carlos III, assistant quartermaster of the Marine and Intendant General of the Army and Branch of the Royal Treasury, President of the Tribunal of the principal accountants' office and of the Royal Audience of accounts for this Island and the rest of the Windward Islands.

Licentiate Felix del Rey y Bosa, lawyer of the Royal Audiences of Santo Domingo and Mexico and of its Illustrious College, Lieutenant Governor and Auditor of War for this City and Island.

Doctor Don Ignacio Ponze de Leon y Maroto, Lawyer of the Royal Audiences of War for the Marine ad interim for this Port, President and voting member in the Tribunal of Appeal for New Orleans and the Province of Louisiana.

January 9, 1780.

Joseph Dorquigny vs. Guillermo Fronton. Presenting a decision from the Court of Appeals in Havana.

No. 3550. 14 pp.

Court of Alcalde

Pedro Piernas.

Assessor, Postigo.

Escribano, none named.

The record opens with a decision from the Court of Appeals in Havana rendered in a suit between Dorquigny and Fronton begun in Alcalde Livaudais' Court that was submitted to arbitration before Gilberto Antonio Maxent and Juan Baptista Cavalier. This suit seems to have been brought about by a dissolution of a partnership by which the arbitrators agreed to leave

Juan Joseph Dorquigny in possession of all the property of the

Company under agreement that he pay all debts and give Fronton 700 hard pesos. This decision from Havana sums up the case as it was presented before Alcalde Livaudais. The sentence by arbitration is revoked and declared as null.

The officials forming the Court of Appeals in Havana on this case were:

Don Felipe de Fons de Viela y Ondeano, Marquis de la Torre, Lord of the Abbey of Lees, Regidor Perpetuo of the City of Zarragosa, Chevalier of the habit in the Order of St. James, Field Marshal of the Royal Armies, Superintendent of the Revenue from tobacco, Judge Protector of the Postal Service and of the Royal Company, Captain General and President of the Tribunal of Appeals for the Province of Louisiana, Governor and Captain General of the city of Havana, Island of Cuba, for His Majesty;

Don Lorenzo de Montalvo, Count of Macuriges of the Council for His Majesty, Intendant General of the Marine of this Port;

Don Juan Ignacio de Urriza, Pensioned Chevalier of the Royal and distinguished Spanish Order of Carlos III, Assistant Quartermaster of the Marine and Intendant General of the Army and Branch of the Royal Treasury, President of the Tribunal of the Principal Accountant's Office and of the Royal Audience of Accounts of this Island and the rest of the Windward Islands;

Licentiate, Felix del Rey y Bosa, lawyer of the Royal Audiences of Santo Domingo and Mexico and of its Illustrious College, Lieutenant of the Governor and Auditor of War of this City and Island;

Doctor Don Ignacio Ponze de Leon y Maroto, Lawyer of the Royal Audience of the District, Auditor of War for the Marine, ad interim, for this Port, President and Voting Member in the Tribunal of Appeals for New Orleans and the Province of Louisiana.

Don Juan Josset (Joseph) D'Orquigny, Surgeon of the Royal Armada (Navy) acting without legal representation, presents to Alcalde Piernas the foregoing decision from the Superior Tribunal of Appeals in Havana, reversing the judgment on arbitration obtained against him in Louisiana by Guillermo Fronton for the extortion of money from him in consequence of a dissolution of partnership. He avers that Fronton is now absent from the Province and is in Martinique, his sole possession here is his interest in the houses belonging to the Company, he asks that three intelligent men be named to appraise these so as to separate his interests from Fronton's and to pay him what the latter owes him. Piernas on Postigo's advice receives the despatch from Havana and orders the party to direct his action through one of the Procuradors del Numero of this city (official attorneys of the Cabildo).

This ends the proceeding which is only a fragment. There must have been a previous suit which we have not found in our

records. It is possible we may find something more in later files. It is also to be regretted that the brief record from Havana throws little light on the subject matter of the suit in the Court below and in the Appellate Court.

January 9.

**Intestate Succession of
Constanza Volant, wife of
Vincent de Morand.**

No. 3582. 18 pp.

Court of Governor

Bernardo de Galvez.

Assessor, Postigo.

Escribano, none named.

This proceeding begins with the official announcement of the death of Constanza Volant, wife of Vincent de Morand, who has left a minor daughter. Galvez signs the necessary orders to open the succession, and commissions Licentiate Don Juan Doroteo del Postigo y Valderama, Auditor of War and As-

essor General to carry these into effect. Postigo certifies that he went to the plantation of the deceased and collected the keys from Vincent de Morand. Three Notaries, Almonester the only one named, certify that no will made by Constanza Volant has been filed with them.

Postigo, who has taken charge of the succession, rules that as no will has been found he names Francisco Broutin defender of the minor, who must take oath and give bond. Broutin qualifies, naming Philipe Guinault as his surety, who signs the required instrument. Broutin is then formally appointed curator to the minor de Morand and petitions to have an inventory made and that de Morand be cited and ordered to declare to the tenor of the estate. Postigo rules accordingly.

In a second petition Broutin asks that appraisers be named to estimate the value of the estate. This inventory shows the property to consist of household effects, horses, cattle, slaves, a plantation with the buildings thereon. When the inventory and appraisement is finished everything is left in the possession of Vincent de Morand to be held at the disposition of the Court. Broutin then petitions, saying that some of the slaves were absent and were not appraised. He asks that these be inventoried and estimated. Petition granted and six slaves are counted and a value placed upon them amounting in all to 2400 pesos. This ends the record which is unfinished and incomplete. The entries are not signed and spaces are left to be filled in later.

January 15.

(First date given).

**Joseph Chalon vs.
Louis Pellerin.**

No. 3548. 5 pp. Court of
Alcalde Pedro Piernas.

Assessor, Postigo.

Escribano, L. Mazange.

The plaintiff claims a debt of 351 pesos which he asks to have verified. Piernas on Postigo's advice orders the defendant to acknowledge his obligation and signature, but in place of signing a sworn statement on the validity of the debt, Pellerin writes a

To collect a debt.

The suit is compromised by the delivery of a slave in payment.

his family does not permit him to go out. Besides this his security for the note, Mr. Macarty will arrive in a few days and if he does not pay, he will turn over to Mr. Chalon a negress in place of money to satisfy the debt. This arrangement seems satisfactory to both parties and they compromise their case on the delivery of the slave and the suit is dismissed by Piernas.

January 24.

Francisco Broutin vs. Naneta Chabert, a free mulattress.

No. 3539. 24 pp.

Courts of Alcaldes de Verges and Dufossat. Assessor, Postigo. Escribano, L. Mazange.

To collect a debt.

Plaintiff, a lawyer in New Orleans, sues a free mulattress to compel her to refund to plaintiff certain monies paid by his slave, under an agreement between them she would use the money to purchase the slave's freedom from her previous master.

The plaintiff alleges the mulattress received 192 pesos from the slave on account of a total of 250 pesos, which was the stipulated price at which she was to be purchased by the mulattress and that the latter had used the money for other purposes and left the slave in bondage.

Plaintiff seems to have floundered in his pleadings and to have confused the case almost beyond understanding, but after mending his hold, a judgment was finally rendered in his favor for 100 pesos.

We have given the course of the procedure in as much detail as possible, because of the unusual nature of the case, in which a transaction between a slave and a free mulattress was apparently held to create an obligation enforceable in the courts. Another curious feature is that the case was supported by oral evidence of other slaves, whose right to testify does not seem to have been challenged.

note to Mazange, the escribano of the case telling him that he would like to respect Mr. Piernas' order, but his health and that of

This suit although brought by Francisco Broutin, an attorney of the Cabildo is most irregular in its presentation and is in fact later ordered returned to him to be remodeled. It opens with four exhibits and three interrogatorios before the petition to the Court is offered explaining what the case is all about. All exhibits are paraphed by Mazange. The first is a receipt for 55 pesos given by Mariana Dela, a free mulattress in the presence of Juan B. Belote on June 15, 1773, which she received from Maturina, a negress, who had belonged to Mr. Baure, now sold to Naneta, a free negress. This 55 pesos is paid on account for 250 pesos, the full amount of her purchase price Naneta paid to Mr. Baure. There still remains 195 pesos due by Maturina to Mariana Dela to complete the price adjusted in the sale. Exhibit 2, is a statement reading: 100 piastres from Maturine, negress, to give to the mulattress Nanet for the purchase of her freedom in 1773. This sum is a part of the 250 piastres gourdes that Nanet agreed to pay for her purchase from Mr. Baure. Exhibit 3. Receipt from Arieta to Maturina for 23 pesos, dated May 29, 1773. Exhibit 4. Nanette's statement paraphed by

The result of the litigation was that the new master of the slave was allowed to recover upon the contract, although the whole issue arose before he became owner of the slave.

Mazange and dated September 21, 1773, to the effect that Maturine has paid her 70 livres to end what she owes her.

The interrogatorios are to be answered by Iris, Enriqueta

(Arieta) and Mariana Dela and will be stated later on with their respective answers.

The suit proper begins with Broutin's petition alleging that at a public auction of Alexandro Baure's effects he bought a negress, Maturina. In 1773 Baure had promised, verbally, to sell this slave to Naneta Chabert, a free mulattress for 250 pesos, with the agreement that Naneta would have to free Maturina when the latter had paid her this amount. It is alleged that Maturina has already paid Naneta 192 pesos as appears from the four exhibits duly presented, namely: 55 pesos delivered to Enriqueta, a free mulattress, then a slave of the late Lalande Dapremont Sr., to deliver to her daughter, Naneta. This transaction took place in Mr. Lalande Dapremont's house in the presence of Juan Baptiste Beloty, late sergeant of the battalion of this place, who delivered to Maturina a receipt from Mariana Dela, which she accepted thinking it was a receipt from Naneta.

It is alleged that at the same time Maturina delivered 100 pesos to Jacinto Panis which he also gave to Naneta. Iris, a free negress, then living in Mr. Panis' house, went to look in the commode for the 100 pesos so as to hand them over to Naneta one afternoon when Mr. Panis was taking his siesta. He told Iris to count the money. There was also the 23 pesos that Maturina turned over to Naneta in Mr. Comins' house, receipted for by Arieta, and 14 pesos (70 livres) as appears from Naneta's receipt, making in all 192 pesos.

It is alleged that Naneta has put Maturina off from day to day and did not keep her promise and in place of buying Maturina from Mr. Baure, bought with this same money the freedom of her own mother, Enriqueta, from Mr. Dapremont. Naneta is guilty of trickery to take poor Maturina's money.

Plaintiff prays that Enriqueta, Mariana Dela and Iris be compelled to answer the attached interrogatorios under oath, so that he may prepare his case against Naneta. The questions are answered first by Iris:

1. Q. Is it not true that for more than seven years she has lived in Jacinto Panis' house?
A. Yes.
2. Q. Is it not true that during that time, one afternoon when Mr. Panis was taking his siesta, he told her to open a commode and to deliver to Naneta 100 pesos that were there that belonged to Maturina and that he did not wish to be mixed up any more in Naneta's affairs?

- A. Yes this question is true in all its contents.
3. Q. Is it not true that she delivered the 100 pesos to Naneta and that she took the money with her?
- A. Yes this is true.
4. Q. Did she not know that the said 100 pesos belonged to Maturina and that it was on account for a payment she had to make to Naneta for her freedom at 250 pesos the price at which Mr. Baure had sold her?
- A. She does not know and can not answer this question?

Arrieta, the grifa, is the next to answer:

1. Q. Is it not true that Maturina delivered fifty-five pesos to her to give to her daughter, Naneta?
- A. Yes.
2. Q. Is it not true that Maturina delivered this sum to her in the house of the deceased Lalande Dapremont?
- A. The money was put on top of the table, Maturina took it and in her presence handed it to Naneta in the house where Luison Brounet now lives.
3. Q. Is it not true that this money was to serve to free Maturina and that Naneta must buy her from Alexandro Baure at 250 pesos?
- A. She does not know.
4. Q. It is not true that it is about seven years since Maturina delivered this money?
- A. She does not remember how many years, but it was a long time ago.
5. Q. Did she deliver the said 55 pesos to Naneta, her daughter, and at what time?
- A. She refers them to what she has already said.
6. Q. Why did she deliver to Maturina a receipt for this sum in the name of Mariana Dela, when the receipt should be for herself?
- A. She does not know.
7. Q. Is the sign of the cross that is at the bottom of the receipt for 55 pesos her own and the one she is accustomed to make?
- A. She does not know if it is her sign, nor does she think that she made it.

Mariana Dela answers:

1. Q. Is the sign of the cross at the end of the receipt for 55 pesos her own and the one she is accustomed to make?
- A. She did not make the said cross or signal.
2. Q. Did she receive the sum stipulated in the receipt?
- A. She did not receive the said amount.

3. Q. Has she any knowledge who made the note for 55 pesos and who received the money?
A. She does not know anything about the matter.

Broutin next presents an interrogatorio to be answered by Jacinto Panis:

1. Q. Did Maturina deliver to Jacinto Panis 100 pesos to be given to Naneta Chabert who was to buy her her freedom with it?
A. Panis on his word of honor with his hand on the hilt of his sword, answered: Yes.
2. Q. Is it not true that one afternoon while he was taking his siesta in his house Naneta came to ask for the 100 pesos and that he then called Iris, who he had in his house and told her to go look in a commode for 100 pesos, she did so and delivered the money to Naneta for Panis?
A. Yes this is true.
3. Q. Is it true that the writing of the second document is his?
A. Yes the writing is his.
4. Q. Is it true that he knew that Naneta had promised Maturina to buy her from Alexandro Baure and free her for 250 pesos?
A. Yes this is true.
5. Q. Does he recognize the signature that is at the bottom of page 1 to be that of Boloti?
A. Yes it seems to him to be the same.
6. Q. Does he recognize the signature of Arieta to be hers?
A. Yes it looks to him to be hers.
7. Q. Let him declare what he knows concerning the promises made by Naneta to Maturina for her freedom and of the money that he knows Naneta to have received from Maturina?
A. He refers them to what he has already answered.

Broutin presents another petition stating that it appears from the declaration of Iris that Naneta received 100 pesos from Panis that Maturina had given him for this purpose and that Henriqueta had given Naneta the 55 pesos delivered to her and that all declarations show that Maturina has paid Naneta in all for her freedom 192 pesos; this is on account for 250 pesos agreed upon. This money she has used to buy her own mother's freedom, therefore this 192 pesos should be returned to Maturina, which he prays the Court to order Naneta to do and to pay costs.

This petition is sent to Postigo by Alcalde Dufossat on January 12, 1782, upon whose advice there is a ruling to the effect

that this process does not follow the formalities prescribed by law, nor does it seem clear what is required in the demands claimed by this party. Let him model his request according to the established forms of law and make as null all the work that has been done up to now.

Broutin frames a new petition acknowledging the foregoing decree which he says is prejudicial to him and asks to have the records of the case sent to him to enforce his request. This is denied by Alcalde Dufossat and Assessor Postigo, the previous ruling to have effect.

Broutin thereupon presents an interrogatorio to be answered by Naneta:

1. Q. Is it not true that in the month of May, 1773, she received, in the presence of Arieta, from Maturina 23 pesos in conformity to the receipt on page 3?
A. This is false in all it contains.
2. Q. Is it not true that in the month of June of the said year in the presence of Juan Baptista Beloty she received from Mariana Dela, 55 pesos that were delivered to her by Maturina as appears from receipt No. 1?
A. This is also false in all it contains.
3. Q. Is it not true that in the month of September of the said year she received 14 pesos from Maturina as appears in receipt 4?
A. This is also false.
4. Q. Did she not receive, one afternoon when she went to Jacinto Panis' house, 100 pesos that Maturina had given him to give to her and that he called Iris, who went to look for the money that was in a commode, which she handed to her?
A. This is false in what concerns Maturina and added that one afternoon she received from Iris who was then serving Jacinto Panis 100 pesos which was given on account for the negress Maria Joseph Aubert who with her had bought a negress for her account and risk as had been understood between them.

Alcalde Dufossat on Assessor Postigo's advice renders judgment condemning Naneta Chabert to pay Francisco Broutin, Maturina's master, 100 pesos which by her declaration she owes; this payment which must be made within 6 days under a threat of execution.

Maturina, a slave of Francisco Broutin now appears in her name and behalf and petitions for a writ of execution against Naneta Chabert who has not paid the 100 pesos as the Court had ordered. Dufossat orders the writ of execution issued. The record ends here.

February 29.

Guillermo Strother petitions to represent his brother Arthur Strother in Edward Taylor's succession, opened in Baton Rouge.

No. 3579. 26 pp.

Court of Acting Governor Pedro Piernas and Alcalde Jacinto Panis. Assessor, Postigo. Escribano, L. Mazange.

The Governor's Court recognizes the authority of an administrator appointed by Peter Chester, English Governor of West Florida, to administer the estate of a decedent, who died in Baton Rouge, and orders Commander Grandpre of that place to account to the Agent of the administrator. The estate is settled in the Governor's Court in New Orleans and the proceeds paid to the administrator. Daniel Clark is surety on the bond of the agent of the administrator.

The record opens with two English documents as exhibits, viz: a letter of Administration issued in Pensacola, West Florida, by His Excellency, Peter Chester, Captain General, Governor and Commander in Chief of His Majesty's Province, to Arthur Strother appointing him administrator of the estate of Edward Taylor, who died intestate who lived on the Mississippi River (Baton Rouge) and who left property there with rights, credits, and debts. This commission is certified to by Elihu Hall Bay, Notary Public of Pensacola.

A letter dated Pensacola, February 2, 1780, written by Arthur Strother to his brother, William Strother, in New Orleans, sending him the letters or Administration on the Edward Taylor estate which he hopes will be sufficient to induce the Governor

to put William Strother into possession of Taylor's negroes which he can sell for cash, or bring with him to Pensacola with the Governor's approval. The writer says he also understands that George Aikman has died and left them (the brothers Strother) testamentary executors. Captain Johnstone sends a power of attorney by Mr. Wilson to receive five negroes hired by Mr. Grant to Mr. Aikman "which you will deliver to him, taking his receipt and indemnifying the estate against the value of them."

The pleadings begin by William ("Guillermo") Strother petitioning to Acting Governor Pedro Piernas, presenting the foregoing statements and asking he be permitted to act in his brother's place to administer the Taylor estate in Baton Rouge, which is now in the hands of Commander Grandpre. Piernas sends this petition to Postigo for legal advice and upon receipt of this grants the petition prayed upon making bond.

The petitioner next asks to have witnesses called to prove that his brother Arthur is in Pensacola, and thereupon Daniel Clark, Thomas Lopham and Ben Ward, Jr., each in a separate declaration, state that Arthur Strother is in Pensacola and for this reason can not administer the Taylor estate. William Strother gives bond, naming Daniel Clark as his surety and asks that a despatch be issued ordering Carlos de Grandpre to turn

over the Taylor estate to him. The costs of these proceedings is taxed at 13 pesos 6 reales, June 21, 1780.

Thereafter Arthur Strother petitions that his brother be ordered to give an account and sworn statement of his administration of the Taylor estate. An order is issued to that effect and William Strother presents his account showing in the recapitulation the following:

Assets	3570 p.	6 r.
Charges and deductions	400	1
Remainder	3170	5

Arthur Strother replies to this, stating that he has examined the account, finds it correct and asks that it be approved and that Piernas interpose his authority and judicial decree, ordering all to abide by it. Piernas approves the account and sworn statement and decrees as petitioned above. William Strother asks that his bond signed by Daniel Clark be cancelled, since his administration of the Taylor estate has been approved. Arthur Strother consents to the cancellation and an order is entered that under this consent of both parties the bond is cancelled and that this be annotated on the margin of the said bond on Arthur Strother's application. Taxation of the costs of the case is made by Luis Liotau on December 15, 1781, at 20 pesos 5½ reales.

On April 4, 1782, William Strother petitions that it is convenient to his rights that all the papers belonging to the Taylor estate that have now passed into the possession of Nicolas De La Size, Commander of the Post of Pointe Coupee, be returned to him and asks that a despatch be ordered issued in due form and sent to the Commander with a copy of this petition and its decree, so that on sight of it he will send the petitioner the said papers. Jacinto Panis, Senior Alcalde into whose court this case has passed grants the petition. The despatch is issued and sent, which ends the record.

March 10.
Jaime Jorda vs.
Juan Font of the Catalan
Nation to have certain
questions answered.
 No. 3661. 8 pp.
 Court of Alcalde
 Pedro de Verges.
 No Assessor.
 Escribano, L. Mazange.

Jaime Jorda sets forth that at his instance declarations have been received from Juan Font and Augustin Lorens on the particulars of an interrogatorio that he presented. It is indispensable to his interests that this proceeding remain in his possession. He asks that a certified copy be made to be retained in the Ar-

This is an *exparte* proceeding by Jorda to preserve evidence needed by him. The procedure shows that this right was exercised without objection. The interrogatories were propounded and answered and the original delivered to the applicant with a certified copy of the same retained by the Escribano. The procedure followed herein is somewhat akin to the modern practice in Louisiana.

chives of the escribano and that the originals be delivered to him. Petition granted.

A certified copy of the interrogatorio and answers thereto shows that seven questions were asked and answered by Juan Font and Augustin Lorains, both Catalans. This is taken from a suit prosecuted in Alcalde

Pedro de Verges' Court, for an investigation of the losses and gains sustained by a company (partnership), consisting of Mariano More and himself, in several of their business enterprises.

1. Q. Is it not true that on the sixth day of the current month at 8 o'clock at night he called Augustin Lorens and Juan Font, both Catalans to enter the cabin of Mariano More, late captain of the vessel *San Augustin* that was wrecked in the river and that they were put in a place where they could hear clearly the voices of Captain More and himself and that they immediately placed themselves in the door of the cabin where they could distinguish and hear as they were very near?
A. Both witnesses say: "Yes, this question is true."
2. Q. Is it not true that they ate supper and that they finished at half past eight?
A. Both answer: "Yes."
3. Q. Is it not true that when they finished they talked in the Catalan language in this manner: "Friend More there are many days that I have talked to Henrique Ataide so that he would persuade you to make me a paper of the agreement that we had to begin work together. You have refused me the two times that I have asked it of you and that the said Mr. Ataide has given me as an answer that you did not wish to make it?"
A. Both say: "Yes."
4. Q. Is it not true that Mariano More answered: "It is true that I have said that I do not wish to make it, nor will I make it either because it does not suit me to do so?"
A. Both witnesses say: "Yes."
5. Q. Is it not true that he answered immediately, saying: "Is it not true that when we began business it was with the agreement to divide in equal parts the benefits and losses that resulted and that afterwards when we went to Monte Christi you confirmed it to me?"
A. Both answer: "Yes."

6. Q. Is it not true that the said More answered to this: "That it was the truth and that he would not make the paper, but that he would assure him he would not have to withdraw anything and that he did not wish to make the paper"—so as to hold him more inferior because it will never please More to report the benefits to anyone because this was in his dishonor having carried all in his name.
A. Both answer: "Yes."
7. Q. Is it not true that he said thus: "That you, notwithstanding my various representations, do not wish to make me this paper, will you make it for me when we leave, at most for my peace of mind and that then he answered me: "Perhaps on this occasion." We parted both receiving three hundred or four hundred pesos to pay for the expenses that may be made unexpectedly and that then he answered: "I am satisfied as they will make it thus?
A. Both witnesses answer: "Yes."

This ends the proceeding.

March 10.

**Concurcus of Creditors
of Alexandro Chauvin
de La Freniere.**

No. 3546. 241 pp.
Courts of Alcaldes
Pedro de Verges, Jacinto
Panis, Nicolas Forstall,
and Joseph Orue.
Assessor, Postigo.
Escribanos, L. Mazange
and Fernado Rodriguez.

"Lacks taxation."

This is a proceeding apparently ancillary to the administration of a decedent's estate. The purpose was to hear and determine the validity, rank and order of payment of the debts presented against the estate, contradictorily with the widow, the curator ad litem of their minor children and the "guardian" of the estate. It does not differ materially from the probate practice of Louisiana today, the difference being rather in form than in substance.

The first entry is a copy of Francisco Braquier's bill showing that Mr. de La Freniere owes him 352 livres, 2 sols, or 70 pesos, 4 reales for merchandise bought in the plaintiff's shop and asks that Francisco Josef Le Breton, guardian of the La Freniere estate be ordered to pay him. This claim is answered by Marie Gabriela Carlota de Santinon, widow of Alexandro Jean Baptiste Chauvin de La Freniere, saying that Martin (Francisco) Braquier who claims a debt of 70 pesos, 4 reales from her husband's estate has not produced any original papers to prove the obligation. She asks that he be ordered to produce the legal evidence of this debt. Braquier presents three notes and two letters signed "Le Comte De la Freniere" that contain his orders for

It is a particularly interesting case, because it gives us an insight into the character of obligations incurred by a gentleman of means who seems to have been operating a plantation in Louisiana through the medium of an overseer, and it is also valuable from an economic standpoint, because it shows the methods of agriculture then in vogue and the difficulties surrounding the operation.

It may be added also that the story told by this record shows that similar methods were still pursued in Louisiana within the memory of young men still living. It would appear that for more than a century after Lafreniere's adventure as a gentleman farmer, the planters of Louisiana learned nothing or took nothing out of the unfortunate experiences or rather out of the history of the past experiences of the predecessors in agriculture.

The results in the case under consideration also exemplify the old epigram that the planters of Louisiana for generations planted silver dollars in their furrows and reaped as a rule a crop of debts and mortgages.

It should be added that the Count de la Freniere whose estate is, here involved, was a member of the famous family of that name that figured in the history of Louisiana from the time of Bienville, a race of strong earnest men and women whose descendants here and elsewhere still honor and revere the family name.

Notwithstanding the size of the record, it remains in an unsatisfactory condition, for no general settlement seems to have been made. He appears to have died from some contagious disease and the personal effects used in his illness were burnt.

debt be paid." Le Bougere receipts for the 105 pesos that he received for his services for 3½ months as overseer on the plantation.

Bougere enters a second claim, this time for the labor of his negro who has worked with twenty-three others to make the crop which, according to an agreement that must appear among Count de La Freniere's papers, there belongs to him one-twenty-fourth part of all produced for 1778 and 1779. He does not know what this amounts to, but it will be found in the books belonging

various items of merchandise supplied him from Mr. Braquier's store. These notes are dated 1777 and 1778. Upon examination of these documents Mrs. de La Freniere, Francisco Broutin, curator ad lites to the minor children of Alexandro Chauvin de La Freniere, Juan Francisco Josef Le Breton Dorgenois, guardian of the La Freniere estate, each in a separate petition acknowledge the Braquier debt as just and ask to have it paid. Alcalde de Verges rules: With the consent of the interested parties let this debt be paid from what has been produced from the sale of the estate.

The next creditor is Santiago Leboucher (Jacques Le Bougere) overseer of the Chauvin de la Freniere plantation, who states that his year's agreement with the deceased ended January first of this year. At that date the guardian of the property asked him to take charge of the plantation as overseer. Considering that they have sold all the real property and movables he requests that he be paid what he had earned from January 1st to March 15th. Francisco Broutin, curator, Francisco Le Breton, guardian and Mrs. de La Freniere, each in a separate petition say that this claim is just and should be paid. Alcalde de Verges rules with the consent of the interested parties "let the

to the deceased. He asks that this debt be verified and ordered paid. Francisco Le Breton and Francisco Broutin each in a separate petition ask to have the debt paid as it is just since they have found a record of the agreement among Mr. de La Freniere's papers. Maria Gabriela de Santignon, Mrs. de La Freniere, asks that Le Bougere verify his claim. This he is ordered to do. He then petitions that Francois Joseph Le Breton be ordered to look among the papers inventoried to find a copy of this agreement. Le Breton certifies that in one of Count de La Freniere's books there is an entry that he had an agreement with Le Bougere to give him one-twenty-fourth of the crop for two years in return for the use of his negro. Le Bougere requests that if it can not be arranged to pay him one-twenty-fourth of the crop then let the estate pay him the wages of his negro during the time he was hired. Alcalde de Verges rules that Le Bourgere be paid 200 pesos for the use of his slave. Le Breton pays this amount and Le Bourgere receipts for it.

Le Bougere brings a third claim against the estate for 400 pesos for the two years that he acted as overseer of the La La Freniere plantation, proof of this indebtedness will be found among his papers. He asks that this debt be verified and paid. Le Breton and Broutin both agree that this debt should be paid. Mrs. de La Freniere asks that he produce evidence of the obligation. Pedro de Verges orders him to show a copy of his written contract. Santiago Le Bougere asks that Mr. Le Breton produce this contract from Mr. de Freniere's books. The guardian of the estate certifies to this debt. Mrs. La Freniere agrees to its payment and Bougere gives his receipt.

A fourth claim is presented by him, this time for 35 pounds of indigo which he received from Opelousas and at the time that this consignment arrived he was busy with his duties as overseer so he delivered the indigo to La Freniere, who turned it over to Salomon Malines to sell, but when he was unsuccessful, La Freniere took it back and told him that he had sold it. He asks that Salomon Malines verify this statement. Petition granted and Malines declares under oath that Le Bougere's statement is correct and that La Freniere said he would take back the indigo and sell it with his crop. Upon receipt of this declaration he petitions to be paid for 35 pounds of indigo. The widow agrees to this to save expenses and Le Bougere receipts for 35 pesos for 35 pounds of indigo.

A fifth claim is presented by him covering a list of effects inventoried with the de La Freniere estate belonging to him, stating that while he was overseer he bought various tools for his employment as carpenter and cooper with his own money which were listed with the moveables belonging to the estate. He asks that the sale be suspended until he can prove his claim. Besides the tools mentioned there are three mattresses belonging to him, two at the plantation and one that was brought to the

city together with a mosquito bar, a cypress frame and a feather bed. He further asks that Francisco Monplaisier and Salomon Prevost be summoned to give the necessary information in this matter. Francisco Monplaisier, Salomon Prevost and Claudio Triere each in a separate statement declares that the items mentioned belong to Le Bougere and were brought by him to the plantation. On the strength of this testimony Francisco Le Breton agrees to return the articles since they really belong to Le Bougere. When delivered the overseer receipts for the things.

Valentin Avart presents a certified copy of an obligation, or receipt given by Juan Baptiste Alexandro Chauvin de la Freniere to Valentino Roberto Avart for 1614 hard pesos as a loan which he promises to return at the end of the current year. Mr. Avart has written at the end of this copy that this obligation belongs to Mr. Allain, his father-in-law. In a petition following, Roberto Avart asks to be paid the amount stipulated in the loan. The interested parties oppose this suit as the obligation has been turned over to Mr. Allain and Mr. Avart has brought suit without presenting his father-in-law's procuration. The Court rules to proceed with the sale of the de la Freniere property and to pay Robert Avart the amount he claims upon the presentation of Mr. Allain's power of attorney making him his agent.

George Mercier, Surgeon presents a bill for 193 livres 15 sols, or 43 pesos 6 reales for medical services for Mr. de La Freniere and his slaves. He asks to have this debt verified and paid. The widow answers that this is a privileged debt and she offers no objections to its payment. Broutin and Le Breton both agree to the settlement of the doctor's bill, Alcalde de Verges orders it paid and Mercier receipts for the full amount.

Juan Buenaventura Morales presents Count de La Freniere's note for 300 piastres due the Governor General of the Province which he as his secretary, asks to have paid. No objections are offered by the interested parties and it is ordered paid and Juan Ventura Morales receipts for the full amount.

Oliver Pollock presents Count de La Freniere's note for 1500 pesos from which 1458 pesos 4 reales has been deducted asking that the remainder, or 44 pesos 4 reales be paid. No objections are offered and this debt is ordered settled. Pollock receipts for 44 pesos 4 reales.

Oliver Pollock as Agent for the United States of America and resident of New Orleans presents a petition stating that on a note of 1500 pesos only 44 pesos 4 reales has been paid, therefore he asks that the remaining 1458 pesos 4 reales be paid as this debt has not been settled according to the conditions stipulated in the note—that is if there are sufficient funds to cover the widow's dowry and the other creditors. Mrs. de la Freniere and Broutin both acknowledge that the debt is just. It is ordered entered with the other claims including the wife's dowry to be settled later.

The next entry is Jean Francois Allain's procuration drawn up before Charles de Grand Pre, Commander of Pointe Coupee, appointing Robert Avart to act as his agent in collecting a debt from the de La Freniere succession, which is duly presented by Avart.

Francis Joseph Le Breton Dorgenois, testamentary executor, presents a note dated April 4, 1777, signed by Le Compte de La Freniere for 600 pesos and asks for a comparison of signatures and the certification of said signature returned to him to promote what is suitable. Leonardo Mazange, Notary Public, states that upon examination of the signatures of de La Freniere that have come into his possession since the death of the latter, the one on the note presented by Le Breton is genuine. Francisco Broutin, as curator agrees to the debt, but Mrs. de La Freniere opposes it. Francisco Josef Le Breton, as testamentary executor asks that the debt be considered as it is just. Jacinto Panis rules that as the debts of this estate are considerable and the funds very limited, in due course of time this claim will be considered according to the privileges of its credit.

Morgan & Mather present two notes and two bills and claim debts amounting to 264 pesos 5 reales and ask for a comparison of signatures, this proceeding having been effected by Leonardo Mazange and with no opposition from the interested parties the claim is filed to be paid with the other debts.

In 1781 Vicente de Morant presents two exhibits: The 1st is a certified copy of a notarial act of sale before Andres Almonester y Roxas, Notary, dated January 13, 1777, in which it is recited that Carlota Faucon Dumanoir, widow of Antonio Chauvin Desilet, tutrix to the minors; Santiago Livaudais, their curator and by representation of Maria Marguerita Desilet, spinster and of Carlota Desilet, his wife, Juan Baptista Desilet, Francisco Desilet, Renato Huchet de Kernion by representation of Luisa Desilet, his wife; Patricio Macnemara, as husband of the deceased Margarita Desilet sell, transfer and deliver to Alexandro Juan Baptiste de La Freniere, a plantation situated on this side of the river, four leagues from the city, at a place called Capitular (Tchapitoulas) composed of 18 arpents front going back to the lake, adjoined on one side by Alexandro Juan Baptista Chauvin de La Freniere and on the other by Mrs. Lamer, being the same property inherited by the vendors from the late Antonio Desilet, husband and father of the vendors, after the partition of the Desilet estate by decree rendered by General Luis de Unzaga y Amesaga dated September 20, 1776.

The act is witnessed and signed by Pedro Henrique Derneville, Pedro de Verges, Juan B. Darby and Alexandro Juan Baptiste Conde de La Freniere, Jacques Livaudais, Huchet de Kernion, Macnemara, Carlota de Silet, Juan B. Chauvin Desilet, Francisco de Lery Desilet. Before Andres Almonester y Roxas, Notary Public.

The 2nd exhibit is a certified copy of a marriage certificate dated July 21, 1780, taken from the church records showing the union of Vicente de Morant, son of Carlos de Morant and Felicite de la Cheese (Chaise) widower by his first marriage of Maria Constanza Volant and Margarita Francisco Desilet, daughter of Antonio Chauvin Desilet and Carlota de Manois, widow by her first marriage of Balfasar de Livaudais. The witnesses to the marriage were Claudio Mersie Surgeon, Carlota de Manoir and Claudio Francisco Calandro.

With these two exhibits, Vicente de Morane, by representation of his wife, states that it is evident from the foregoing documents that the La Freniere succession owes him 1200 pesos and asks for a writ of execution for the amount of the debt its one-tenth and costs. Broutin acknowledges the petition but says that he can not answer directly to this demand as Mr. de Morant has not made evident what amount the other co-heirs claim of the 6000 pesos, the purchase price of the plantation, so as to establish the share that belongs to him and besides it would appear that the whole sum must be paid to Carlota Faucon Dumanoir, widow of Antoine Chauvin Desilet, the tutrix of the minors and Santiago Livaudais their curator, and for the 1200 pesos that de Morand asks he must present the formal consent of the tutrix, curator and all the other co-heirs to make it clear that they do not contest his claim. Mrs. de La Freniere and Mr. Le Breton refuse to consider this claim.

Santiago (James) Mather, testamentary executor of Juan Waugh, presents a note and a bill claiming 378 pesos and $\frac{1}{2}$ real, which is the principal of the debt plus interest. The comparison of signatures shows this note to be genuine. Messrs. Le Breton and Broutin answer stating that the estate can consider the debt only, 320 pesos $3\frac{1}{2}$ reales, but not the interest. Mrs. de La Freniere says no debt can be considered until her dowry is paid as she is the first privileged creditor. Alcalde Jacinto Panis orders this claim filed, to be paid with the others.

Martin Braquier presents two certified copies of Notarial Acts (Procurations) executed in La Rochelle and Paris, the first appointing Mr. Braquier of New Orleans to act for Mr. de la Chapela (Martin Germain de la Chapella) of Paris. In the second La Chapelle appoints Mr. Ranjard, or Rangeard to represent his interests in collecting a debt owed by Mr. de La Freniere, in New Orleans, which also contains a copy of the original note dated May 2, 1770. Presenting these papers as his authority to act, Martin Braquier claims 2900 pesos. Mrs. de La Freniere answers by asking to have these procurations, written in French, translated into Spanish. When this is done she opposes the payment of the note as it is prejudicial to her dowry. Broutin and Le Breton acknowledge it to be just and petition to have it filed with the other claims. Panis rules accordingly.

Luisa Darensbourg, widow Boicclair (Boisclair) presents 8 vouchers and petitions to be paid 600 pesos, or 600 pounds of indigo and to have returned to her certain articles of furniture lent that she left in Mr. de La Freniere's house from time to time when she lived on his plantation as a relative. There are other debts for commodities supplied amounting to 163 pesos 7 reales. Alcalde de Verges orders Mrs. Boisclair to prove on the testimony of witnesses that the articles she claims really belong to her. Plaintiff presents witnesses, namely; Emondo Joseph Lohomer, Francisco Monplaisir, Carlos Latour, and Carlos Lagrou. These gentlemen are summoned and each in a separate declaration swears that the articles of furniture claimed by Mrs. Boisclair really belong to her as she either inherited them from her father, or bought them from Mr. Lopinot.

To prove her claim for 600 pounds of indigo which she lent to Alexandro Chauvin de la Freniere, Mrs. Boisclair asks that witnesses be examined, viz.: Messrs. Jacques de Pecavel, Francisco de Bouligny, Salomon Malline and Pedro Maria Cabaret de Trepí. All testify that Mrs. Boisclair lent 600 pounds of indigo to Alexandro de la Freniere. Having substantiated her claim, she prays for judgment for 856 pesos 6 reales. Francisco Broutin considers this debt just and asks that it be paid, and the furniture be delivered to the petitioner. Mrs. de La Freniere protests this demand until her dowry is paid. Francisco Joseph Le Breton states that he does not contest the claim and Alcalde Jacinto Panis orders it filed with the rest.

Mrs. Boisclair presents a further bill for 49 pesos 2 reales which she claims she paid to Surgeon Mr. Mercie (r) for medicines bought for her cousin, La Freniere, and that she paid another debt to Mr. de Macarty of 42 pesos. She claims a third debt of 150 pesos for effects judicially burned at La Freniere's death and a fourth debt of 420 pesos. Mrs. de La Freniere contests these demands. Broutin agrees to pay them after all that is due his minors from their father's estate is paid. Alcalde Jacinto Panis, on Postigo's advice, orders the plaintiff to call witnesses to prove the value of the 600 pounds of indigo and the just value of the clothes burned judicially. She presents Luis Boisdore, Santiago Hisnair and Lorenzo Wiltz, who state that the price of the best indigo was at least 8 reales a pound in 1778.

The plaintiff further petitions saying that regarding the different personal effects for which she claims remuneration it must be taken into consideration that Mr. de La Freniere died of a contagious disease and that the judicial burning was executed by Estevan de Vaugine, Mayor of the place, accompanied by the public appraiser. She asks that these persons be called upon to declare to the truth of what she has said and also give the valuation of the things that were burnt. Adrian Juan Baptiste de la Place and Francisco Bijon public appraisers declare that at the death of Count de La Freniere, Mr. de Vaugine, Mayor of this

place went with them to the house of the deceased and in the presence of Mr. de Vaugine gathered together various movables belonging to Mrs. Boisclairé that had served during Mr. de La Freniere's illness, which were burnt. They value these articles at 150 pesos. Mrs. Boisclairé now petitions alleging that all her debts against the La Freniere estate amount to 1005 pesos 1 real. This petition is ordered sent to the assessor for legal advice and her claim rests for the moment to be resumed later.

Morgan & Co., present three vouchers. The first a bill for 605 pesos $3\frac{1}{2}$ reales, the second a note of Count de La Freniere, the third, the protest in London of a bill of exchange for the note, the bill having been drawn on Thomas Pecholier, resident of London, and protested for non-payment. The Succession claims that the amount due is 428 pesos $4\frac{1}{2}$ reales only, and not 605 pesos $3\frac{1}{2}$ reales and refuses to consider interest, costs of protest, etc. These exhibits are in French and English and are ordered translated into Spanish by Juan Joseph Duforest. Mrs. de La Freniere protests the claim until her dowry is paid. Francisco Broutin says the debt amounts to 428 pesos $4\frac{1}{2}$ reales and that the estate is not called upon to pay interest and as no bills for costs, or receipts have been presented, these too must be excluded. Jacinto Panis orders this claim filed with the others.

Juan Prieto claims that de La Freniere owes him for two barrels of white wine amounting to 14 pesos and some Malaga that costs 6 pesos. The delivery of this wine is known to Margarita Magdalena Broutin, widow of Pedro de La Ronde as it was delivered at Mrs. Boisclairé's plantation, who received it. He asks that Leonardo Mazange take their declarations. Mmes. de La Ronde and Boisclairé each state that Mr. Prieto delivered the wine to Mr. de La Freniere as he claims. The interested parties acknowledge this debt of 20 pesos as just and it is ordered filed with the rest.

On January 7, 1783, Juan Morales, Junior Alcalde, on Assessor Postigo's advice, rules that de La Freniere debts must be paid in this manner: Maria Carlota Condesa de La Freniere 3890 pesos; Santiago Le Bougere 551 pesos, George Mercier 43 pesos 6 reales; to the heirs of Antonio Chevalier Desilet 1200 pesos; to Balentin Roberto Avart 1600 pesos; Martin Braquier, acting for Martin Germin de la Chapelle, 2901 pesos; Francisco Joseph Le Breton 600 pesos 6 reales; Santiago Meder (Mather) 12 pesos; Francisco Braquier 49 pesos; to Oliver Pollock 1548 pesos 4 reales; to Bernado de Galvez 300 pesos; to Santiago Meder 50 pesos; to Luisa Boisclairé 1005 pesos 1 real; to Juan ——— (Prieto) 20 pesos. Taxation for this ruling, 30 pesos.

Fernando Rodriguez, attorney for Mrs. de la Freniere asks to have the costs taxed.

Mrs. Boisclairé asks for the records of the case and when these are delivered to her she sets forth that in accordance with the decree of January 7, 1783, rendered by Juan Morales, the

estate was ordered to pay her 1005 pesos 1 real and this decree has not been carried out. She prays that the guardian of the estate be ordered to pay her this amount. Le Breton answers with a long statement covering Mrs. Boisclair's claims against the de La Freniere succession and says he can not pay her without prejudice to the other creditors.

Alcalde Nicolas Forstall, on Postigo's advice, orders that Luisa Boisclair be paid 325 pesos from the proceeds of the Chauvin de La Freniere estate and let her bring her claim for the rest when suitable. Costs to be paid by the succession.

The portion of her debt allowed her remains unpaid and later on she reiterates her plea for satisfaction. The 325 pesos is finally paid, and Luisa Darensbourg, Widow Boisclair, receipts for it.

The last entry to this suit is a petition from Santiago Mather to be paid the amount that the Court has allowed him, namely: 1013 pesos 7 reales, according to the decree of February 2, 1781, and later another dated January 7, 1783. Alcalde Orue, on Postigo's advice, rules that this debt be paid. This ruling, dated January 12, 1786, ends the case, which is unfinished.

March 15.
**Emancipation of
Alexandro de Lomer
(Delhomer), decreed
by Pedro de Verges,
Junior Alcalde of this
city.**

No. 3554. 8 pp.
Alcalde Pierre de Verges.
No Assessor.
Escribano, Leonardo
Mazange.

Alexandro Delhomme, signing himself Chevalier delhomme, presents his baptismal certificate dated May 7, 1767, to the effect that on that day there was baptized Alexandro, born May the 5th of this year, son of Charles Delhomme and Laurence Chauvin Delerye. The god-parents were Alexandro Chevalier de Clouet and Catherine Chauvin Duhommeel. With this certificate the petitioner says he is the

son of Carlos Lome and Lorina Delery and that it is evident from the above that he is twenty years old. He alleges that he has sufficient ability to administer his own affairs and asks that witnesses be called to testify to this and that he be emancipated.

The witnesses summoned are Luis De Lalande Dapremont, Francois Chauvin Monplaisir and Francisco Le Breton, each in a separate declaration states that Alexandro Delhomme has labored and looked after his own affairs for some time and they think him capable of administering them alone and that he should be emancipated. Pierre de Verges upon receipt of this testimony emancipates Alexandro Delhomme, and for this purpose interposes his authority and judicial decree according to law. This is followed by a petition to tax costs of the case by Andres Lopez de Armesto, who takes oath to do so, but never does it.

March 29.

**Intestate Succession of
Antonio Dupret, or
Dupres, called Darbonne.**

No. 3556. 41 pp.

Courts of Alcaldes
Pedro de Verges and
Jacinto Panis.

Assessor, Postigo.

Escribanos, Leonardo
Mazange and Fernando
Rodriguez.

This record illustrates the meticulous attention to routine in succession matters. Every estate was handled by not less than five officials at the cost of the estate apparently and without any regard to the amount involved.

The widow in this case says the estate is so small that she needs all of it to keep her large family of children in food and clothing. She is nevertheless brought to the city several times from her home thirty miles away.

The inventory was made at her home by the Alcalde, the escribano, the official appraisers and the two official attorneys of the Cabildo, one acting as curator ad lites under appointment of the court and the other as her attorney. They voyaged to the plantation in pirogues with provisions for the journey.

The value of the estate is not given by our translator, but the costs of the proceeding aggregate 153 pesos, 3 reales, and the curator ad lites collected his charges by seizing two slaves of the estate.

to the city. Perdomo asks to name Adrian de la Place appraiser. Pedro de Verges confirms the appointment and de la Place qualifies.

Maria Ana Bergeron, widow of Antonio Dupré, called Terbonne, or Derbanne, presents a certified copy of a notarial act appointing Francisco Broutin her attorney to make an inventory and appraisal of her husband's estate, which she hereby petitions to have made, naming Francisco Bignon (Bijon) her appraiser. He is accepted by the Court and qualifies. The widow states that the day has been set aside for the taking of the inventories of her husband's estate and as these effects are on the plantation five leagues away she asks that pirogues with the pro-

The record opens with the official notification of the death of Antonio Dupres who has left minor children. The deceased died on his plantation five leagues from the city, upper river. The Alcalde went there with the escribano to collect the keys which were delivered to him by Maria Anna Bergeron, the widow of the deceased. The two notaries, Andres Almonester and Leonardo Mazange, both testify that Antonio Duprez, called Darbanne has filed no will with them. As the deceased has died intestate the Court appoints Rafael Perdomo to act as curator ad lites to the minor children. He must first be notified to accept, take oath and give bond.

Rafael Perdomo qualifies, naming as his surety, Pedro Ber-toniere. Alcalde de Verges then confirms the appointment of Perdomo as curator ad lites to the Dupres minors, who petitions to make an inventory and to appoint the day for this proceeding. The Court orders the inventory made on the 24th of the current month. They are unable to notify the widow Maria Ana Bergeron Dupre of this decree because she makes her home in the country. Perdomo asks for a writ of citation summoning her

visions for the journey be ordered to conduct the ministers of justice to the plantation. Arrangements having been made for the pirogues, Alcalde de Verges, Escribano, Leonardo Mazange, appraiser Adrien de la Place and attorneys Perdomo and Broustin went to the plantation to take the inventory and make an appraisement.

The Dupré estate consists of household effects, provisions, live stock, slaves and papers showing debts both active and passive, etc. Perdomo asks that Mrs. Dupré swear that she has put all the property of the estate on exhibition. She is ordered to do so and as she is in the country she has to be summoned. She evidently gives a satisfactory answer because she and Perdomo immediately ask to have the inventory and appraisement approved and that all parties be ordered to abide by it.

When this decree is rendered, Mrs. Dupré asks that the estate be adjudicated to her at the price of its valuation as it is very small and she has so many children, she will use the money to raise, feed and clothe them. Pedro de Verges on Postigo's advice consents to this adjudication provided the widow gives good and sufficient bond. Fernando Rodriguez has taken Perdomo's place as curator to the Dupré minors, he asks that the widow be summoned. When she presents herself she asks for a taxation of costs. The case has by this time passed to Jacinto Panis' Court, he orders Andres Armesto to tax costs which he does at 153 pesos 3 reales.

The last entry is a petition by Rafael Perdomo stating that he has not been paid for his services to the Dupré estate according to the taxation of costs and asks that two slaves be seized and placed with the General Receiver and that they be appraised and sold to fulfill the ends of law and that each minister be paid. Petition granted. This ruling ends the case.

March 31.

**Testate Succession of
Ana Maria Rafteaus.**

No. 3577. 71 pp.

Court of Alcalde

Pedro Piernas.

Assessor, Postigo.

Escribano, none named.

This case, like the preceding one, illustrates the burden of costs and the annoyance of the surviving husband and heirs to settle a small succession and in the end nothing is done. The estate was valued at 2702 pesos, 7 reales. It was inherited by nine children, six of whom were minors.

Official notice is given of the death of Anna Maria Rafteaus, or Rafleaus who has left minors. The usual formalities of certifying to the death, collecting the keys, delivered to the proper authorities by her husband, Luis Drouet, search for the will, etc., having been fulfilled, Alcalde Pedro Piernas orders a certified copy of the will drawn up by Andres Almonester. In this will the testator says that she is a daughter of Daniel Raflaus and Marguerite Pellerin, both dead. She was married to Luis Drove

The father of the children represented, (and it was also shown by the inventory), that the assets were real property in New Orleans, all more or less dilapidated and falling into ruin.

He asked to have the property adjudicated to him without bond "because the estate is so small and there are so many children who could not be supported on the interest derived from it."

The two sons-in-law agreed to this but the father could not furnish bond and the proceedings went on under the urging of the curator ad lites of the minors, a lawyer of the Cabildo and a standing appointee in such cases.

The course of the affair appears to have stopped because everybody apparently realized that nothing could be gained by it. Yet the costs taxed aggregated 90 pesos.

(Drouet) called Prinsipe Noir (Black Prince). The children born of this marriage are Marguerite, aged 25, married to Santiago Molan; Francisco, aged 22, unmarried; Luisa 20, married to Philiberto Merlin; Juan Luis, aged 18; Joseph, 16, unmarried; Nicolas, 13; Susana, 8; Melia, 6; and Luis, 4. She was married without a contract and neither brought anything to the community. At the death of her parents she received 8000 livres, these her husband received as will appear from the proceedings on the subject in the French Archives. She goes into detail as to the estate she and her husband possess. The keys are ordered turned over to Luis Drouet,

father of the minors and their tutor, who must receipt for them.

Luis Drouet, Widower of Ana Maria Raflaus, tutor and curator ad bono of his minor children asks to make an inventory of all the property left by his wife. Alcalde Piernas orders them to proceed to the taking of the inventory and valuation of the estate, naming as appraisers Adrien de la Place and Francisco Bijon and appoints Francisco Broutin, curator ad lites to the minors. He must accept, take oath and give bond. Broutin qualifies, naming as his bondsman, Luis Bohorquez. Broutin is confirmed in the appointment to curatorship and asks to have the day set aside to take the inventory.

Luis Drouet appoints Rafael Perdomo his attorney. They proceed to make an inventory and appraisal of the estate which consists of household effects, wearing apparel, slaves, provisions, a lot of ground corner of St. Peter and Dauphine 58 feet on the latter by 72 feet on the former, upon which has been constructed a house 36 feet square, built of brick and wood divided into 8 rooms with two double chimneys, covered with shingles, with glass windows and out-buildings. There is a second piece of real property situated on St. Peter Street 120 feet front by 72 deep, upon which has been constructed a house 31 feet long by 20 feet wide, built of brick between posts, covered with shingles with two chimneys. All falling into ruin. A third house on Toulouse Street 120 feet front, corner of Burgundy running 120 feet upon which a house 70 feet long by 30 wide is built, constructed of brick and posts falling entirely into ruins. The inventory is signed by Francisco Bijon, Francisco Broutin, Rafael Perdomo and Pedro Piernas.

The inventory completed, Francisco Broutin, curator ad lites to the minor children of Ana Maria Raflaus asks its approval. After much delay Luis Drouet makes the same plea and that all be ordered to abide by it. Filiberto Merlin as husband of Luisa Drouet and Santiago Moleon as husband of Margarita Drouet, daughters of the deceased Ana Maria Raflaus also ask to have the inventory approved and all ordered to abide by it. Piernas approves it with the consent of all parties. The inventory approved, Broutin petitions for the sale of the estate at public auction. The public calls are made with spaces left blank for the dates. Messrs. Moleon and Merlin in the interest of their wives then ask for the sale at auction of the estate left by Mrs. Drouet. Piernas, on Postigo's advice, rules accordingly. Luis Drouet asks to have the estate adjudicated to him at the price of its valuation, he offering to give bond for its security. Broutin consents because the estate is so small and there are so many children they could not be supported on the interest derived from it. Santiago Moleon and Philiberto Marlin, the sons-in-law also agree to the adjudication. Piernas, on Postigo's advice, orders the estate turned over to Luis Drouet upon his giving bond.

Luis Drouet then petitions for the records of the case and in a second one he objects to giving bond, claiming that the law does not require it of him. He calls attention to the dilapidated condition of some of the real property that will be turned over to him. He asks to have the clause in the decree obliging him to give bond revoked and to turn over the estate to him without it. Alcalde Piernas, on Assessor Postigo's advice, rules that the bond must be given.

Evidently Drouet is not willing to comply as there is no copy filed of any bond. Broutin the curator asks for an accounting and partition of the estate. Petition granted and Andres Lopez de Armesto is appointed, who accepts and takes oath to render an account of the estate and draw up the partition. He taxes the proceedings at 70 pesos 6 reales.

The partition of the estate of Ana Maria Raflaus amounting to 2702 pesos 7 reales is made among the nine children in the following order: Santiago Molon for his wife Marguerita Drouet; Philiberto Merlin for his wife Luisa Drouet; Francisco Drouet; Juan Luis Drouet; Joseph Drouet; Nicolas Drouet; Susanna Drouet; Amelia Drouet; Luis Drouet.

Francisco Broutin and Messrs. Molon and Merlin ask to have this partition approved and all ordered to abide by it. After some delay Luis Drouet makes the same request and Piernas on Postigo's advice approves and orders Andres Lopez de Armesto to tax the last costs. After accepting and taking oath Armesto taxes costs at 20 pesos 5 reales.

(To be Continued)



